AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO COMMITTEE PRINT
OFFERED BY M. SCOTT

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

TITLE II—COMMITTEE ON
EDUCATION AND LABOR
Subtitle A—Education Matters
PART 1—ELEMENTARY AND SECONDARY
EDUCATION

SEC. 20001. REBUILD AMERICA’S SCHOOLS GRANT PROGRAM.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Department of Education—

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

(2) for each of fiscal years 2023 through 2024, out of any money in the Treasury not otherwise appropriated, $39,643,650,000, to remain available
until September 30, 2026, for carrying out this section.

(b) REBUILD AMERICA’S SCHOOLS GRANTS AUTHORIZED.—From funds provided under paragraphs (1) and (2) of subsection (a), the Secretary shall award grants in fiscal years 2022 through 2024 to State educational agencies in accordance with subsection (c).

(c) REBUILD AMERICA’S SCHOOLS GRANTS.—

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

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

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

(2) ALLOCATIONS TO STATES.—The amount allocated to each State educational agency under paragraph (1) shall be in the same proportion as the amounts distributed to the State under part A of title I of the Elementary and Secondary Education
Act of 1965 (20 U.S.C. 6311) in the most recent fiscal year, relative to the total amount received under such part by all other States receiving an allocation under this section in such fiscal year.

(3) State uses of funds.—A State educational agency that receives an allocation under paragraph (1)—

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

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

(I) the development and publication of a local facilities master plan to address the health, safety, education equity, enrollment diversity, environmental sustainability, and climate re-
siliency of the public school facilities
operated by such agency; and

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

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

(I) develop a State facilities plan

that details—

(aa) how the State will use
grant funds received under this
section and State funds to make
improvements to public school fa-
cilities of eligible local edu-
cational agencies to address dis-
parities in both the financing and
expenditures of school facilities
capital outlay projects and in the
conditions of public school facili-
ties between eligible local edu-
cational agencies and other local
educational agencies in the State;

(bb) how the State will de-
velop a competitive process to
provide subgrants to eligible local educational agencies, including the State’s criteria for subgrant eligibility; and

(cc) how the State will, in carrying out the competitive process for subgrants described in item (bb), take into consideration the impact that such subgrants may have on increasing student diversity and decreasing racial and socioeconomic isolation of students attending public elementary or secondary schools improved by such subgrants;

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

(III) provide technical assistance to local educational agencies in carrying out activities described in clause (i) and supports related to the requirements of paragraph (4) for eligible local educational agencies; and
(B) with respect to each of fiscal years 2023 and 2024, shall—

(i) use not less than 90 percent of such allocation to award subgrants on a competitive basis to eligible local educational agencies with approved applications described in paragraph (4)(A); and

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

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

(II) provide technical assistance to eligible local educational agencies in the State in carrying out school facilities capital outlay projects, including technical assistance regarding capital construction, energy efficiency, and climate resiliency;

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

(aa) indoor air quality;
(bb) water quality;

(ee) energy and water efficiency;

(dd) renewable energy and decarbonization;

(ee) exposure to toxic substances, including mercury, radon, polychlorinated biphenyls, lead, vapor intrusions, and asbestos;

(ff) climate resiliency;

(gg) emergency preparedness for natural or man-made disasters or emergencies; and

(hh) structural hazards created by pyrrhotite, as determined by an engineer’s report and pyrrhotite testing;

(IV) provide professional development opportunities for State and local staff involved in maintenance and operations and school facilities capital outlay projects; and
(V) administer and monitor the implementation of subgrants provided under clause (i).

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

(A) APPLICATION.—The State educational agency shall require an eligible local educational agency desiring a subgrant under paragraph (3)(B)(i) to submit an application to the State educational agency that, at a minimum, includes—

(i) a certification that the eligible local educational agency shall use subgrant funds for school facilities capital outlay projects that prioritize the improvement of the public school facilities of such agency that serve the highest numbers or percentages of students who are eligible for a free or reduced price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751), under a method established by the Secretary; and

(ii) such agency’s facilities master plan.
(B) Rebuild America’s Schools

Subgrant Use of Funds.—An eligible local educational agency that receives a subgrant under paragraph (3)(B)(i) shall use such funds to carry out school facilities capital outlay projects, including 1 or more of the following:

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

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

(iii) Upgrading or replacing major facilities systems, components, furniture, fixtures, and equipment with a life of not less than 10 years.

(iv) Constructing new public school facilities, including when student enrollment exceeds the physical and instructional capacity of public school facilities.

(v) Purchasing and preparing sites on which public school facilities will be constructed.
(vi) Improving energy and water efficiency in public school facilities, including improvements related to clean energy.

(vii) Reducing or eliminating the presence of health and safety hazards in public school facilities, including—

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

(II) mold or mildew;

(III) rodents and pests; and

(IV) structural hazards created by pyrrhotite.

(viii) Improving instructional or outdoor public school facilities relating to early learning, special education, science, technology, career and technical education, physical education, the arts, literacy (including library programs), or community-based partnerships.

(ix) Improving the public school facilities of magnet schools, or other instructional programs, designed to increase student diversity and decrease racial or socioeconomic isolation.
(x) Supporting independent commissioning and certification of public school facilities, public school facility systems, and school facilities capital outlay projects.

(d) CONDITIONS.—

(1) STATE MATCHING REQUIREMENT.—

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

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

(2) STATE MAINTENANCE OF EFFORT.—

(A) IN GENERAL.—The State shall provide an assurance to the Secretary that for each fiscal year that the State receives an allocation under this section, the State’s share of school facilities capital outlay will be not less than 90
percent of the average of the State’s share of
school facilities capital outlay for the 5 years
preceding the 2020 fiscal year.

(B) Waiver.—Notwithstanding subparagraph (A), in response to a request from a
State, the Secretary may modify or waive, in
whole or in part, the requirement of subparagraph (A) if the Secretary determines that such
State demonstrates an exceptional or uncontrollable circumstance, such as a natural disaster,
pandemic, or precipitous decline in revenue.

(3) Supplement not supplant.—As a condition of receiving an allocation under subsection
e(1)(B), a State shall use funds received under
this section only to supplement the level of State and
local public funds that would, in the absence of the
receipt of Federal funds under this section, be made
available for the State’s contribution to school facilities capital outlays, and not to supplant those other
funds.

(e) Definitions.—

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

(2) **Eligible Local Educational Agency.**—

The term “eligible local educational agency” means a local educational agency (including a public charter school that is a local educational agency under State law) in a State that—

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

(i) the highest numbers or percentages of students counted under section 1124(e) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(e)); or

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

(B) certifies that any funds received under this section shall be used to prioritize the improvement of public school facilities of public elementary or secondary schools that serve the
highest percentages of students who are eligible
for a free or reduced price lunch under the
Richard B. Russell National School Lunch Act
(42 U.S.C. 1751), under a method established
by the Secretary; and

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

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

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

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

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

(4) **Operations and Maintenance of School Facilities.**—The term “operations and maintenance of school facilities” means the labor, contracts, and supplies and materials supported by a local educational agency’s annual operating budget related to—

(A) cleaning, groundskeeping, and preventive and routine maintenance of public school facilities and grounds;

(B) minor repairs and operations of building systems and equipment for public school facilities; and

(C) payments for utilities for public school facilities.

(5) **Public School Facility.**—The term “public school facility” means a school facility operated by a local educational agency that is primarily used to educate students, including outdoor facilities and grounds, but does not include—

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

(C) a district central office, operation center, or other school facility if it is not primarily used to educate students.

(6) School facilities capital outlay project.—The term “school facilities capital outlay project” means the assessment, planning, design, construction, renovation, repair, management, and financing of a public school facility project with a life expectancy of at least 10 years, but does not include operations and maintenance of school facilities.

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

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

(9) State’s contribution to school facilities capital outlays.—The term “State’s contribution to school facilities capital outlays” means the total amount of State appropriations on elementary and secondary education capital expenditures in the State, including—

(A) State aid reimbursements for school facilities capital outlay projects;
(B) State payment of debt service for school facilities capital outlay projects;

(C) direct payment of school facilities capital outlay projects; and

(D) grants or facilities allowances to charter schools for facilities capital projects.

(10) **State Facilities Plan.**—The term ‘‘State facilities plan’’ means a State’s plan developed by the State educational agency, in accordance with subsection (c)(3)(A)(ii)(I) and including plan elements determined by the Secretary, for the purpose of being eligible for an allocation described in subsection (c)(1)(B).

(11) **State School Facilities Database.**—The term ‘‘State school facilities database’’ means an electronic, publicly available database maintained by the State educational agency that contains an inventory of the infrastructure of all public school facilities in the State, including the data elements determined by the Secretary.

**SEC. 20002. OUTLYING AREAS.**

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $410,900,000, to remain available until
September 30, 2026, for the Secretary of Education to allocate to each outlying area (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)) an amount in proportion to the amount received by the outlying area under part A of title I of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6311) in the most recent fiscal year relative to the total amount received under such part for such fiscal year by all outlying areas, to carry out the activities described in section 20001(c) in the outlying areas.

SEC. 20003. IMPACT AID CONSTRUCTION GRANTS.

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

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

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

SEC. 20004. BUREAU OF INDIAN EDUCATION.

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

(1) $369,810,000, to remain available until September 30, 2026, for necessary expenses related to construction, repair, improvement, and maintenance of buildings, utilities, and other facilities necessary for the operation of Indian education programs, including architectural and engineering services by contract, acquisition of lands, and interests in lands, of which no more than 3 percent shall be used for administrative costs to carry out this section; and

(2) $41,090,000, to remain available until September 30, 2026, for digital infrastructure to improve access to high-speed broadband sufficient for digital learning and related digital infrastructure ac-
tivities or programs operated or funded by the Bu-
reau of Indian Education, for Bureau-funded schools
(as defined in section 1141(3) of the Education

SEC. 20005. GALLAUDET UNIVERSITY.

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

SEC. 20006. GROW YOUR OWN PROGRAMS.

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

(b) IN GENERAL.—Section 202 of the Higher Edu-
cation Act of 1965 (20 U.S.C. 1022a) is amended—
(1) in subsection (b)(6)(C), by striking “subsection (f) or (g)” and inserting “subsection (f) or (h)”;

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

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

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

“(g) PARTNERSHIP GRANTS FOR THE ESTABLISHMENT OF ‘GROW YOUR OWN’ PROGRAMS.—

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

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

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

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

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

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

“(E) provide academic and nonacademic supports, including advising and financial assistance, to candidates to enter and complete teacher or school leadership preparation programs and to access and complete State licensure exams;
“(F) include efforts to recruit individuals with experience in high-need subjects or fields who are not certified to teach or lead, with a specific focus on recruiting individuals—

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

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

“(G) evaluate the effectiveness of the program, including, at a minimum, using the data required under section 204(a)(1);

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

“(I) provide stipends for candidates to engage in school-based clinical placements.”.

SEC. 20007. TEACHER RESIDENCIES.

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

SEC. 20008. SUPPORT SCHOOL PRINCIPALS.

In addition to amounts otherwise available, there is
appropriated to the Department of Education for fiscal
year 2022, out of any money in the Treasury not otherwise
appropriated, $198,000,000, to remain available through
September 30, 2025, to award grants for the development
and support of school leadership programs, as described
in section 2243 of the Elementary and Secondary Edu-

SEC. 20009. HAWKINS.

In addition to amounts otherwise available, there is
appropriated to the Department of Education for fiscal
year 2022, out of any money in the Treasury not otherwise
appropriated, $198,000,000, to remain available through
September 30, 2025, to award grants for the Augustus
F. Hawkins Centers of Excellence Program, as described
in section 242 of the Higher Education Act of 1965 (20
SEC. 20010. FUNDING FOR THE INDIVIDUALS WITH DISABILITIES EDUCATION PART D PERSONNEL DEVELOPMENT.

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

PART 2—HIGHER EDUCATION

Subpart A—America’s College Promise

SEC. 20021. GRANTS FOR TUITION-FREE COMMUNITY COLLEGE.

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

“PART F—AMERICA’S COLLEGE PROMISE

“Subpart 1—Grants for Tuition-Free Community College

“SEC. 785. GRANT AWARDS.

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

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

“SEC. 786. FEDERAL SHARE; STATE SHARE.

“(a) FEDERAL SHARE.—

“(1) IN GENERAL.—

“(A) AMOUNT.—Subject to paragraph (2), the amount of the Federal share of a grant under this subpart shall be based on a formula that provides, for each eligible student enrolled in a community college operated or controlled by the State or in an eligible Tribal College or University, a per-student amount (based on full-time equivalent enrollment) that is equal to the applicable percent described in subparagraph (B), or the percent described in paragraph (2) with respect to an eligible Tribal College or University, of—

“(i) for the 2023–2024 award year, the median resident community college tuition and fees per student in all States, not weighted for enrollment, for the most re-
cent award year for which data are available; and

“(ii) for each subsequent award year, the amount determined under this paragraph for the preceding award year, increased by the lesser of—

“(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

“(II) 3 percent.

“(B) APPLICABLE PERCENT.—The applicable percent for a State receiving a grant under this subpart shall be—

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

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

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

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

“(v) for the 2027–2028 award year, 80 percent.
“(2) TRIBAL COLLEGES AND UNIVERSITIES.—

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

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

“(B) the amount that is 100 percent of the total amount needed to set tuition and fees to $0 for all eligible students enrolled in such eligible Tribal College or University for the 2021–2022 award year, increased by the percentage increase in the Consumer Price Index (as determined by the Secretary) between July 1, 2021, and the applicable award year, and adjusted to reflect the enrollment in such eligible Tribal College or University for such applicable award year.

“(b) STATE SHARE.—

“(1) FORMULA.—

“(A) IN GENERAL.—The State share of a grant under this subpart for each award year
shall be the amount needed to pay the applicable percent described in subparagraph (B) of the median resident community college tuition and fees in all States, not weighted for enrollment, per student (based on full-time equivalent enrollment) determined in accordance with subsection (a)(1)(A)(i) for all eligible students enrolled in a community college operated or controlled by the State for such award year.

“(B) APPLICABLE PERCENT.—The applicable percent shall be—

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

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

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

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

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

“(C) OBLIGATION TO PROVIDE SHARE.—The State shall provide the State share even if the State is able to set tuition and fees charged to eligible students attending community col-
leges operated or controlled by the State to $0
as required by section 788(a) without such
State share.

“(D) NO DOUBLE COUNTING FUNDS.—Except with respect to funding described in paragraph (2)(A), no funds that count toward the maintenance of effort requirement under section 788(c) may also count toward the State share under this subsection.

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

“(i) IN GENERAL.—If the Secretary determines that requiring an outlying area or territory to provide a State share in accordance with this subsection would represent a substantial hardship for the outlying area or territory, the Secretary may reduce or waive the State share for such area or territory. If the Secretary so reduces or waives the amount of the State share of an outlying area or territory, the Secretary shall increase the applicable percent used to calculate the Federal share for such area or territory, in proportion to
the reduction in the applicable percent
used to calculate such State share.

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

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

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

“(i)(I) is not awarded predominantly
on the basis of merit, including programs
awarded on the basis of predicted or actual
academic performance or assessments; and
“(II) may be used by such student to
pay any component of cost of attendance,
as defined under section 472; and
“(B) any funds provided to community col-
leges by local governments in such State for the
purpose of carrying out this subpart.
“(3) RELATIONSHIP TO MAINTENANCE OF EF-
FORT.—The inclusion of funds described in para-
graph (2) as part of a State’s share shall modify the
maintenance of effort requirements under section
788(e) in accordance with the provisions of—
“(A) section 791(10)(B)(iii), with respect
to funds included under paragraph (2)(A); and
“(B) section 791(10)(A)(ii), with respect
to funds included under paragraph (2)(B).
“(4) NO IN-KIND CONTRIBUTIONS.—A State
shall not include in-kind contributions for purposes
of the State share described in paragraph (1).
“(c) DETERMINING NUMBER OF ELIGIBLE STU-
DENTS.—
“(1) IN GENERAL.—For purposes of sub-
sections (a) and (b), the Secretary shall, in consulta-
tion with the State or eligible Tribal College or Uni-
versity concerned, determine the estimated number
of eligible students enrolled in the community col-
leges operated or controlled by such State or in such
eligible Tribal College or University for the applica-
ble award year.

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

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

“(B) adjust the Federal share of the grant
amount received by the State or eligible Tribal
College or University and the State share under
subsection (b) to reflect the actual number of
eligible students, which may include applying
the relevant adjustment to such Federal share
or the State share, or both, in the subsequent
award year.
“(d) Community Colleges Operated or Controlled by State to Include Community Colleges Operated or Controlled by Local Governments Within the State.—For purposes of this subpart, the term ‘community college operated or controlled by a State’ shall include a community college operated or controlled by a local government within such State.

“(e) Inapplicability of State Requirements to Eligible TCUs.—The Secretary may not apply any requirements applicable only to States under this subpart to an eligible Tribal College or University, including the requirements under subsection (b), section 788(b) and (c), and section 790.

“SEC. 787. APPLICATIONS.

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

“(1) an estimate of the number of eligible students enrolled in the community colleges operated or controlled by the State or in the eligible Tribal College or University and the cost of waiving tuition and fees for all eligible students for each award year covered by the grant;
“(2) in the case of a State, a list of each of the community colleges operated or controlled by the State;

“(3) an assurance that each community college operated or controlled by the State, or the eligible Tribal College or University, as applicable, will set community college tuition and fees for eligible students to $0 as required by section 788(a);

“(4) a description of how the State or eligible Tribal College or University will ensure that programs leading to a recognized postsecondary credential meet the quality criteria established by the State under section 122(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(b)(1)) or other quality criteria determined appropriate by the State or eligible Tribal College or University;

“(5) an assurance that each community college operated or controlled by the State or the eligible Tribal College or University, as applicable, has entered into a program participation agreement under section 487;

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

“(7) an assurance that, for each year of the grant, the State or eligible Tribal College or University will notify each eligible student of the student’s remaining eligibility for assistance under this subpart;

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

“(A) an assurance that the State will meet the requirements of section 788(b)(1) relating to the alignment of secondary and postsecondary education; and

“(B) an assurance that the State will meet the requirements of section 788(b)(2) relating to the improvement of transfer pathways between institutions of higher education; and

“(9) an assurance that the State or eligible Tribal College or University will clearly communicate to prospective students, including students with prior college experience who have not completed a postsecondary degree or credential, their families, and the general public—
“(A) plans to implement the program funded under this subpart; and

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

“SEC. 788. PROGRAM REQUIREMENTS.

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

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

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

“(3) not use any funds provided under this subpart for administrative purposes relating to such grant.

“(b) STATE REQUIREMENTS.—In addition to the requirements under subsection (a), as a condition of receiving a grant under this subpart a State shall meet the following requirements:
“(1) ALIGNMENT OF SECONDARY AND HIGHER EDUCATION.—The State shall—

“(A) submit and implement a plan to align the requirements for receiving a regular high school diploma from public schools in the State with the requirements for entering credit-bearing coursework at community colleges in such State; and

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

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

“(A) submit a plan, developed in collaboration with faculty from institutions of higher education in the State, to improve transfer pathways among institutions of higher education in the State, including by—

“(i) ensuring that associate degrees awarded by community colleges in the State are fully transferable to, and credited as, the first 2 years of related baccalaureate programs at public institutions of higher education in such State;
“(ii) increasing the transferability of individual courses within the certificate or associate programs offered by community colleges in the State to related baccalaureate programs offered by institutions of higher education in such State to maximize the transferability of credits for students who transfer before completing an associate degree;

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

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

“(II) allow academic credits for coursework completed at a 4-year institution to be applied to a previously-attended community college for the purpose of obtaining an associate degree or a certificate; and
“(iv) ensuring that students attending
community colleges in the State have ac-
cess to comprehensive counseling and sup-
ports to facilitate the process of transfer-
ing to a 4-year institution of higher edu-
cation; and

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

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

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

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

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

“(d) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.—A State or eligible Tribal College or University that receives a grant under this subpart may not impose additional eligibility requirements on eligible students other than the requirements under this subpart.

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

“SEC. 789. ALLOWABLE USES OF FUNDS.

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

“(1) a State shall use a grant under this subpart only to provide funds to each community college operated or controlled by the State to enable each such community college
tuition and fees for eligible students to $0 as required under section 788(a); and

“(2) an eligible Tribal College or University shall use a grant under this subpart only to set community college tuition and fees for eligible students to $0 as required under section 788(a).

“(b) ADDITIONAL USES.—If a State or an eligible Tribal College or University demonstrates to the Secretary that the State or eligible Tribal College or University has grant funds remaining after meeting the demand for activities described in subsection (a), the State or eligible Tribal College or University shall use the remaining funds to carry out 1 or more of the following:

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

“(2) Reducing unmet need at public 4-year institutions of higher education.

“(3) Improving student outcomes by implementing evidence-based institutional reforms or practices, including reforms or practices that are described in section 795D(b)(1) or that meet an evidence tier defined in section 795E(2).
“(4) Expanding access to dual or concurrent enrollment programs or early college high school programs.

“(c) SUPPLEMENT, NOT SUPPLANT.—Except as provided in section 786(b)(2)(A), funds made available under this subpart shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to carry out activities described in this section.

“(d) CONTINUATION OF FUNDING.—

“(1) IN GENERAL.—Except as provided in paragraph (2), a State or an eligible Tribal College or University receiving a grant under this subpart for an award year may continue to receive funding under this subpart for subsequent award years conditioned on the availability of budget authority and on meeting the requirements of the grant, as determined by the Secretary.

“(2) DISCONTINUATION.—The Secretary shall discontinue or reduce funding of the Federal share of a grant under this subpart if the State or an eligible Tribal College or University has violated the terms of the grant.

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

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

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

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

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

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

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

“(C) both such fiscal years.
“(b) State Share Relief.—

“(1) State share relief.—A State that meets the qualifying spending requirement and is eligible for relief under tier II, III, IV, or V may request relief with respect to the requirements of section 786(b)(1)(B). Upon request by such a State, the Secretary shall provide relief from the requirements of section 786(b)(1)(B), for the applicable award year or years, for the State as follows:

“(A) Tier II.—With respect to a State that is eligible for relief under tier II, the Secretary shall—

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

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

“(B) Tier III.—With respect to a State that is eligible for relief under tier III, the Secretary shall—

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

“(ii) apply section 786(a)(1)(B)(v) by substituting ‘90 percent’ for ‘80 percent’;
“(iii) apply section 786(b)(1)(B)(iv) by substituting ‘10 percent’ for ‘15 percent’; and

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

“(C) Tier IV.—With respect to a State that is eligible for relief under tier IV, the Secretary shall—

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

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

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

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

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

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

“(D) Tier V.—With respect to a State that is eligible for relief under tier V, the Secretary shall—
“(i) apply section 786(a)(1)(B)(ii) by substituting ‘100 percent’ for ‘95 percent’;

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

“(iii) apply section 786(a)(1)(B)(iv) by substituting ‘100 percent’ for ‘85 percent’;

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

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

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

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

and

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

“(2) APPLICABLE AWARD YEARS.—With respect to each State eligible for relief under tier II, III, IV, or V, the Secretary shall provide the relief under paragraph (1), in accordance with subsection (d), for—
“(A) the award year for which the determination of the State’s eligibility for such relief is made;

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

“(C) both such award years.

“(c) STATE ELIGIBILITY.—A State’s eligibility for relief under this section shall be determined as follows:

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

“(A) the State is in an elevated unemployment period at any point in the fiscal year; and

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

“(2) TIER II.—A State shall be eligible for relief under tier II for a fiscal or award year, as applicable, for which—

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

“(ii) the national average unemployment rate is equal to or greater than 6.5 percent but less than 7.5 percent at any point in the fiscal or award year; and
“(B) the State is not eligible for relief under tier III, IV, or V.

“(3) TIER III.—A State shall be eligible for relief under tier III for a fiscal or award year, as applicable, for which—

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

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

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

“(4) TIER IV.—A State shall be eligible for relief under tier IV for a fiscal or award year, as applicable, for which—

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

“(ii) the national average unemployment rate is equal to or greater than 8.5 percent but
less than 9.5 percent at any point in the fiscal
or award year; and
“(B) the State is not eligible for relief
under tier V.
“(5) TIER V.—A State shall be eligible for relief
under tier V for a fiscal or award year, as applica-
table, for which—
“(A) the State average unemployment rate
is equal to or greater than 9.5 percent at any
point in the fiscal or award year; or
“(B) the national average unemployment
rate is equal to or greater than 9.5 percent at
any point in the fiscal or award year.
“(d) DISCRETION IN THE PROVISION OF RELIEF.—
In determining the fiscal years for which to provide relief
in accordance with subsection (a)(2), or the award years
for which to provide relief in accordance with subsection
(b), to a State that is eligible under tier II, III, IV, or
V, the Secretary shall take into account the following:
“(1) In the case of a State that requests relief
under subsection (a)(2), the fiscal years for which
the State requests such relief, including—
“(A) if the State requests such relief for
the fiscal year for which the determination of
the State’s eligibility for such relief is made, the
amount by which the State is unable to meet the requirements of section 788(e) for such fiscal year; and

“(B) if the State requests such relief for the fiscal year succeeding the year described in subparagraph (A), the amount by which the State anticipates being unable to meet such requirements for such succeeding fiscal year.

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

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

“(B) if the State requests such relief for the award year succeeding the year described in subparagraph (A), the extent to which the State anticipates being unable to meet such requirements for such succeeding award year.

“(3) The actual or anticipated timing, severity, and duration of the unemployment rate increase during—
“(A) the fiscal or award year, as applicable, for which the determination of the State’s eligibility for such relief is made;

“(B) the fiscal or award year, as applicable, succeeding the fiscal or award year described in subparagraph (A); and

“(C) the fiscal or award year, as applicable, preceding the fiscal or award year described in subparagraph (A).

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

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

“(f) DEFINITIONS.—In this section:

“(1) Elevated unemployment period.—

The term ‘elevated unemployment period’—

“(A) when used with respect to the Nation as a whole, means a consecutive, 3-month period in a fiscal year for which the national average unemployment rate is not less than 0.5 percentage points above the lowest national aver-
age unemployment rate for the 12-month period preceding such 3-month period; and

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

“(2) QUALIFYING SPENDING REQUIREMENT.—

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

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

“SEC. 791. DEFINITIONS.

“In this subpart:

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

“(2) Community college.—The term ‘community college’ means—

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

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

“(ii) an associate degree is the predominant degree awarded;

“(B) an eligible Tribal College or University;

“(C) a degree-granting branch campus of a 4-year public institution of higher education, if, at such branch campus—
“(i) the highest degree awarded is an associate degree; or

“(ii) an associate degree is the predominant degree awarded; or

“(D) at the designation of the Secretary, in the case of a State that does not operate or control any institution that meets a definition under subparagraph (A) or (C), a college or similarly defined and structured academic entity—

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

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

“(iii) at which—

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

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

“(3) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term ‘dual or concurrent enrollment program’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.
“(4) EARLY COLLEGE HIGH SCHOOL.—The term ‘early college high school’ has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

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

“(A) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) at a community college on not less than a half-time basis;

“(B) in the case of a student who is enrolled in a community college that charges different tuition rates on the basis of in-State or in-district residency, either—

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

“(ii) would qualify for such in-State or in-district resident tuition at such community college, but for the immigration status of such student;

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

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

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

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

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

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

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

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

“(7) INSTITUTION OF HIGHER EDUCATION.—
The term ‘institution of higher education’ has the
meaning given the term in section 101.
“(8) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—The term ‘means-tested Federal benefit program’ has the meaning given the term in section 479.

“(9) RECOGNIZED POSTSECONDARY CREDENTIAL.—The term ‘recognized postsecondary credential’ has the meaning given the term in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

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

“(A) INCLUSIONS.—

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

“(I) the gross amount of applicable State funds appropriated or dedicated, and expended by the State, including funds from lottery receipts, in the fiscal year, that are used to support institutions of higher education and student financial aid for higher education in the State; and
“(II) any funds described in clause (ii), if applicable.

“(ii) LOCAL FUNDS.—In the case of a State that includes, as part of the State share under section 786(b)(2)(B) for an award year, funds provided to community colleges by local governments in such State for the purpose of carrying out this subpart, local funds provided to community colleges operated or controlled by such State for operating expenses (excluding capital expenses and research and development costs) shall be included in the calculation of the State fiscal support for higher education for such award year under clause (i).

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

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

“(ii) State-appropriated funds derived from Federal sources, including funds provided under section 786(a) and section 795A(a)(2);
“(iii) funds that are included in the State share under section 786(b), including funds included in the State share in accordance with paragraph (2)(A) of such section;

“(iv) amounts that are portions of multiyear appropriations to be distributed over multiple years that are not to be spent for the year for which the calculation under this paragraph is being made, subject to subparagraph (C);

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

“(vi) funds for—

“(I) financial aid to students attending, or operating expenses of—

“(aa) out-of-State institutions of higher education;

“(bb) proprietary institutions of higher education (as defined in section 102(b));

“(cc) institutions of higher education not accredited by an
agency or association recognized by the Secretary pursuant to section 496;

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

“(III) research and development;

or

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

“(vii) corporate or other private donations directed to one or more institutions of higher education permitted to be expended by the State; or

“(viii) any other funds that the Secretary determines shall not be included in the calculation of State fiscal support for higher education for such State.

“(C) ADJUSTMENTS FOR BIENNIAL APPROPRIATIONS.—The Secretary shall take into consideration any adjustments to the calculations under this paragraph that may be required to accurately reflect State fiscal support for higher
education in States with biennial appropriation cycles.

“(11) State fiscal support for higher education per full-time equivalent student.—The term ‘State fiscal support for higher education per full-time equivalent student’, when used with respect to a State for a fiscal year, means the amount that is equal to—

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

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

“(12) Tribal college or university.—The term ‘Tribal College or University’ has the meaning given such term in section 316(b)(3).

“Sec. 792. Sunset.

“(a) In general.—The authority to make grants under this subpart shall expire at the end of award year 2027–2028.

“(b) Inapplicability of GEPA contingent extension of programs.—Section 422 of the General
Education Provisions Act (20 U.S.C. 1226a) shall not apply to this subpart.

“SEC. 793. APPROPRIATION.

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

SEC. 20022. RETENTION AND COMPLETION GRANTS.

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

“Subpart 2—Retention and Completion Grants

“SEC. 795. RETENTION AND COMPLETION GRANTS.

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

“SEC. 795A. GRANT AMOUNTS.

“(a) RESERVATION.—From the amounts appropriated to carry out this subpart, the Secretary shall—
“(1) reserve an amount equal to 3 percent of such amounts to allocate grants to Tribal Colleges and Universities, which shall be distributed according to the formula in section 316(d)(3)(B), to carry out the activities described in section 795D(b)(1) and implement reforms or practices that meet an evidence tier defined in section 795E(2); and

“(2) use the amount remaining after the allocation under paragraph (1) to award competitive grants to eligible States that have submitted applications under section 795B.

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

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

“SEC. 795B. APPLICATIONS.

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

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

“(i) how such eligible State will use grant funds to implement 1 or more reforms or practices described in section 795D(b)(1) at such institutions;

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

“(iii) annual implementation benchmarks that the eligible State will use to track progress in implementing such reforms or practices;

“(B) how such eligible State will increase support for the public institutions of higher education identified in accordance with paragraph (2)(B); and

“(C) the improvements the eligible State anticipates in student outcomes, including improvements in retention, completion, or transfer
rates or labor market outcomes, or a combination of such student outcomes, disaggregated by student demographics including, at a minimum, race, ethnicity, income, disability status, remediation, and status as a first generation college student;

“(2)(A) with respect to each State public institution of higher education—

“(i) the total per-student funding;

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

“(iii) the share of students at the institution who are students of color, low-income students, students with disabilities, students in need of remediation, or first generation college students; and

“(B) an identification of public institutions of higher education in the eligible State that received less funding on a per-student basis as described in clause (i) or (ii), or both, of subparagraph (A), and are serving disproportionately high shares of students of color, low-income students, students with disabilities, students in need of remediation, or first generation college students;
“(3) a description of the steps the eligible State will take to ensure the sustainability of the institutional reforms or practices identified in paragraph (1)(A); and

“(4) a description of how the eligible State will evaluate the effectiveness of activities funded under this subpart, including how such eligible State will assess impacts on student outcomes, including retention, transfer, and completion rates and labor market outcomes.

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

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

“(2) Propose to use a significant share of grant funds to improve retention, transfer, and completion rates and labor market outcomes among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, and other underserved student populations in such State.

“(3) Propose to use a significant share of grant funds to improve retention, transfer, and completion
rates and labor market outcomes among students attending institutions identified in subsection (a)(2)(B).

“(4) Demonstrate a commitment to supporting activities funded under this subpart with non-Federal funds.

“SEC. 795C. PROGRAM REQUIREMENTS.

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

“(1) in meeting the annual implementation benchmarks included in the application of such eligible State under section 795B(a)(1)(A)(iii);

“(2) in increasing funding for the public institutions of higher education identified in accordance with section 795B(a)(2)(B), as included in the application of such eligible State under section 795B(a)(1)(B); and

“(3) in improving the student outcomes identified by the State under section 795B(a)(1)(C).

“(b) ELIGIBILITY FOR BENEFITS.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including services and other aid
provided under this subpart) on the basis of citizenship, alienage, or immigration status.

“SEC. 795D. USES OF FUNDS.

“(a) General Requirement for States.—Except as provided in subsection (c), an eligible State shall use a grant under this subpart only to carry out activities described in the application for such year under section 795B(a)(1).

“(b) Evidence-based Institutional Reforms or Practices.—

“(1) In general.—An eligible State or Tribal College or University receiving a grant under this subpart shall, directly or in collaboration with institutions of higher education and other non-profit organizations, use the grant funds to implement one or more of the following evidence-based institutional reforms or practices:

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

“(B) Providing assistance in applying for and accessing direct support services, means-tested Federal benefit programs, or similar State, tribal, or local benefit programs.
“(C) Providing emergency financial aid grants to students for unexpected expenses and to meet basic needs.

“(D) Providing accelerated learning opportunities, including dual or concurrent enrollment programs and early college high school programs, and pathways to graduate and professional degree programs, and reforming course scheduling and credit awarding policies.

“(E) Reforming remedial and developmental education.

“(F) Utilizing career pathways, including through building capacity for career and technical education as defined in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302), programs of study as defined in such section, or degree pathways.

“(G) Improving transfer pathways between community colleges and four-year institutions of higher education in the eligible State, or, in the case of a Tribal College or University, between the Tribal College or University and other institutions of higher education.
“(2) State allocation minimums with respect to evidence tiers.—An eligible State receiving a grant under this subpart shall use not less than 30 percent of the grant funds for evidence-based reforms or practices that meet an evidence tier defined in section 795E(2), of which at least two-thirds shall be used for evidence-based reforms or practices that meet evidence tier 1.

“(c) Use of funds for administrative purposes.—An eligible State or Tribal College or University that receives a grant under this subpart may use—

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

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

“Sec. 795e. Definitions.

“In this subpart:

“(1) Eligible state.—The term ‘eligible State’ means a State that is a recipient of a grant under subpart 1.

“(2) Evidence tiers.—

“(A) Evidence tier 1.—The term ‘evidence tier 1’, when used with respect to a re-
form or practice, means a reform or practice that meets the criteria for receiving an expansion grant from the education innovation and research program under section 4611 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261), as determined by the Secretary in accordance with such section.

“(B) EVIDENCE TIER 2.—The term ‘evidence tier 2’, when used with respect to a reform or practice, means a reform that meets the criteria for receiving a mid-phase grant from the education innovation and research program under section 4611 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7261), as determined by the Secretary in accordance with such section.

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

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

“(5) TRIBAL COLLEGE OR UNIVERSITY.—The term ‘Tribal College or University’ has the meaning given the term in section 316(b)(3).
“SEC. 795F. SUNSET.

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

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

“SEC. 795G. APPROPRIATION.

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

SEC. 20023. TUITION ASSISTANCE FOR STUDENTS AT HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS.

Part F of title VII of the Higher Education Act of 1965 (20 U.S.C. 1133 et seq.), as added and amended by this Act, is further amended by adding at the end the following:
“Subpart 3—Tuition Assistance for Students at Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-serving Institutions

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

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

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

“Beginning with award year 2023-2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary shall award grants to participating Tribal Colleges and Universities that are eligible institutions.
SEC. 796B. TUITION ASSISTANCE FOR ALASKA NATIVE-SERVING INSTITUTIONS, ASIAN AMERICAN AND NATIVE AMERICAN PACIFIC ISLANDER-SERVING INSTITUTIONS, HISPANIC-SERVING INSTITUTIONS, NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTIONS, NATIVE HAWAIIAN-SERVING INSTITUTIONS, AND PREDOMINANTLY BLACK INSTITUTIONS.

(a) In General.—Beginning with award year 2023-2024, from amounts appropriated to carry out this subpart for any fiscal year, the Secretary shall award grants to participating Alaska Native-serving institutions, Asian American and Native American Pacific Islander-serving institutions, Hispanic-serving institutions, Native American-serving nontribal institutions, Native Hawaiian-serving institutions, and Predominantly Black institutions that are eligible institutions.

(b) Status of Institution.—An institution’s status as an eligible institution described in subsection (a) shall—

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

(2) be reviewed annually to ensure that the institution continues to meet the requirements for status as an institution described in subsection (a).
SEC. 796C. GRANT TERMS.

“(a) GRANT AMOUNT.—

“(1) IN GENERAL.—For each year for which an eligible institution participates in the grant program under this subpart, such eligible institution shall receive a grant in an amount equal to the product of—

“(A) the number of eligible students enrolled at the institution for such year; and

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

“(ii) for the 2024–2025 award year and each subsequent award year, the amount determined under this subparagraph for the preceding award year, increased by the lesser of—

“(I) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

“(II) 3 percent.

“(2) FIRST-YEAR TUITION AND FEES.—As a condition of receiving a grant under this subpart, an
eligible institution shall not increase tuition and fees
during the first year of participation in the grant
program under this subpart at a rate greater than
the average annual increase at the eligible institution
in the previous 5 years.

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

“(4) DATA ADJUSTMENTS.—

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

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

“(ii) initially receives grant funds, as
calculated under this subsection, based on
such data.
“(B) ADJUSTMENT OF GRANT AMOUNT.—

For each year for which an eligible institution receives a grant under this subpart, the Secretary shall, once final enrollment data for such year are available—

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

“(ii) adjust the grant amount received by the eligible institution to reflect the actual number of eligible students, which may include applying the relevant adjustment to such grant amount in the subsequent award year.

“(b) DUPLICATE GRANTS PROHIBITED.—An institution shall not receive more than one grant at a time under this subpart.

“(c) APPLICATION.—An eligible institution that desires a grant under this subpart shall submit an application to the Secretary that includes—

“(1) an assurance that the institution commits to maintaining, expanding, or adopting and implementing evidence-based institutional reforms or practices to improve student outcomes, which shall
include one or more of the practices described in section 795D(b)(1); and

“(2) in the case of an eligible institution that enrolls students who transfer from another institution, an assurance that the institution—

“(A) commits to increasing the transferability of individual courses within certificate or associate programs offered by community colleges in the State to related baccalaureate programs offered by such institution to maximize the transferability of credits for students who transfer before completing an associate degree;

“(B) will ensure that students attending community colleges in the State have access to comprehensive counseling and other easily accessible tools regarding the process for transferring to such institution; and

“(C) has a formal, statewide articulation agreement with community colleges in the State in which such institution operates that, at a minimum, ensures that associate degrees awarded by community colleges in the State are fully transferable to, and credited as, the first 2 years of related baccalaureate programs at such institution.
“(d) USE OF FUNDS.—

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

“(2) MINIMUM PER- STUDENT AMOUNT.—The minimum per-student amount described in this paragraph shall be equal to—

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

“(B) for the 2024–2025 award year and each subsequent award year, the amount determined under this paragraph for the preceding award year, increased by the lesser of—
“(i) a percentage equal to the estimated percentage increase in the Consumer Price Index (as determined by the Secretary) since the date of such determination; or

“(ii) 3 percent.

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

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

“(f) SIXTY CREDITS.—Funds under this subpart may only be used to waive or reduce tuition and fees for the first 60 credits for which an eligible student is enrolled in the participating eligible institution except that, when calculating the number of credits in which the student has been enrolled for the purpose of carrying out this subpart—
“(1) no student shall be considered to have been enrolled for more than 12 credits per semester (or the equivalent) during the period for which the student is receiving benefits under this subpart; and

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

“(g) Eligibility for Benefits.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including reduction of tuition and fees and other aid provided under this subpart) on the basis of citizenship, alienage, or immigration status.

“SEC. 796D. DEFINITIONS.

“In this subpart:

“(1) Alaska Native-serving institution.— The term ‘Alaska Native-serving institution’ has the meaning given such term in section 317(b).

“(2) Asian American and Native American Pacific Islander-serving institution.—The term ‘Asian American and Native American Pacific
Islander-serving institution’ has the meaning given such term in section 371(c).

“(3) COST OF ATTENDANCE.—The term ‘cost of attendance’ has the meaning given such term in section 472.

“(4) ELIGIBLE INSTITUTION.—

“(A) IN GENERAL.—The term ‘eligible institution’ means a public or nonprofit 4-year institution of higher education that has an undergraduate student body of which not less than 35 percent are low-income students.

“(B) CONTINUING ELIGIBILITY.—The Secretary’s determination of whether an institution meets the requirement under subparagraph (A) shall be based on the most recent data available, and shall be reviewed annually to ensure that the institution continues to meet the requirements for participation.

“(5) ELIGIBLE STUDENT.—

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

“(i) is enrolled as an undergraduate student in an eligible program (as defined in section 481(b)) at a participating eli-
ble institution, on at least a half-time basis;

“(ii) is a low-income student;

“(iii) has been enrolled at such participating eligible institution under this subpart for not more than 60 credits, subject to section 796C(f);

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

“(v) is not enrolled in a dual or concurrent enrollment program or early college high school;

“(vi) has not completed an undergraduate baccalaureate course of study; and

“(vii) in the case of a student who is a United States citizen, has filed a Free Application for Federal Student Aid described in section 483 for the applicable award year for which the student is enrolled.
“(B) CONTINUED ELIGIBILITY.—In the case of an eligible student who receives assistance under this subpart and attends an institution that loses status as an eligible institution or as an institution described in section 796B(a), the student may continue to receive such assistance for the period for which the student would have been eligible if the institution at which they are enrolled had retained such status.

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

“(7) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term ‘historically Black college or university’ means a part B institution as defined in section 322.

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

“(9) NATIVE AMERICAN-SERVING NONTRIBAL INSTITUTION.—The term ‘Native American-serving
nontribal institution’ has the meaning given such
term in section 319.

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

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

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

“SEC. 796E. SUNSET.

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

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

“SEC. 796F. APPROPRIATION.

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

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

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

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

“(a) GRANTS.—

“(1) GRANT AMOUNTS.—

“(A) IN GENERAL.—Beginning with award year 2023–2024, from amounts appropriated to carry out this section, the Secretary shall provide such sums as may be necessary to the Governors of each outlying area for such Governors to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.
“(B) Maximum Student Amounts.—The amount paid on behalf of an eligible student under this section shall be—

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

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

“(C) Proration.—The Governor shall prorate payments under this section with respect to eligible students who attend an eligible institution on less than a full-time basis.

“(2) Application.—Each eligible student desiring a payment under this section shall submit an application to the eligible institution at which such student is enrolled or plans to enroll.

“(3) Eligibility for Benefits.—No individual shall be determined to be ineligible to receive benefits provided under this subpart (including tuition payments and other aid provided under this subpart) on the basis of citizenship, alienage, or immigration status.

“(b) Administration of Program.—

“(1) In General.—Each Governor shall carry out the program under this section in consultation
with the Secretary. Each Governor may enter into a grant, contract, or cooperative agreement with another public or private entity to administer the program under this section.

“(2) **MEMORANDUM OF AGREEMENT.**—Each Governor and the Secretary shall enter into a memorandum of agreement that describes—

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

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

“(3) **CONSTRUCTION.**—Nothing in this section shall be construed to require an institution of higher education to alter the institution’s admissions policies or standards in any manner to enable an eligible student to enroll in the institution.

“(4) **GRANT AUTHORITY.**—The authority to make grants under this section shall expire at the end of award year 2029–2030.
“(c) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act (20 U.S.C. 1226a) shall not apply to this section.

“(d) DEFINITIONS.—In this section:

“(1) ELIGIBLE INSTITUTION.—The term ‘eligible institution’ means an institution that—

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

“(B) is eligible to participate in the student financial assistance programs under title IV; and

“(C) enters into an agreement with the Governor of an outlying area, or with two or more of such Governors (except that such institution may not enter into an agreement with the Governor of the outlying area in which such institution is located), containing such conditions as each Governor may specify, including a requirement that the institution use the funds made available under this section to supplement and not supplant assistance that otherwise
would be provided to eligible students from out-
lying areas.

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

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

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

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

“(i) graduation from secondary
school, or obtaining the recognized equiva-
ient of a secondary school diploma; or

“(ii) transfer from an institution of
higher education located in an outlying
area (including transfer following the com-
pleton of an associate degree or certificate at such institution); and

“(D) is enrolled or accepted for enrollment, on at least a half-time basis, in a baccalaureate degree or other program (including a program of study abroad approved for credit by the institution at which such student is enrolled) leading to a recognized educational credential at an eligible institution.

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

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

“(5) OUTLYING AREA.—The term ‘outlying area’ means the Northern Mariana Islands, American Samoa, the United States Virgin Islands, and Guam.

“(e) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary, to remain available until September 30, 2030, for carrying out this section.”.
Subpart B—Pell Grants and Student Loans

SEC. 20031. INCREASING THE MAXIMUM FEDERAL PELL GRANT.

(a) Award Year 2022–2023.—Section 401(b)(7) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)(7)) is amended—

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

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

(b) Subsequent Award Years Through 2029–2030.—

(1) In General.—Section 401(b) of the Higher Education Act of 1965 (20 U.S.C. 1070a(b)), as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260), is amended—

(A) in paragraph (5)(A)—

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

(ii) by redesignating clause (ii) as clause (iii); and
(iii) by inserting after clause (i) the following:

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

(B) in paragraph (6)(A)—

(i) in clause (i)—

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

“appropriated)—

“(I) such”; and

(II) by adding at the end the following:

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

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

(2) EFFECTIVE DATE.—The amendments made by paragraph (1) shall take effect as if included in section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–260) and in accordance with section 701(b) of such Act.
SEC. 20032. FEDERAL STUDENT AID ELIGIBILITY.

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

SEC. 20033. ACTIVE DUTY DEFERMENT PERIODS COUNTED TOWARD PUBLIC SERVICE LOAN FORGIVENESS.

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

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

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

(3) by inserting after paragraph (1) the following:

“(2) ACTIVE DUTY DEFERMENT PERIODS.—"
“(A) IN GENERAL.—Notwithstanding paragraph (1)(A) and subject to subparagraph (B), the Secretary shall deem each month for which a loan payment was in deferment under subsection (f)(2) of this section or for which a loan payment was in forbearance under section 685.205(a)(7) of title 34, Code of Federal Regulations, (or similar successor regulations), for a borrower described in subsection (f)(2)(C) as if the borrower of the loan had made a payment for the purpose of public service loan forgiveness under this subsection.

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

Subpart C—Investments in Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions

SEC. 20041. INSTITUTIONAL AID.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—
(1) $113,738,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(B)) in fiscal year 2022;

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

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

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

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

(6) $113,738,000, to remain available until September 30, 2022, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2022;
(7) $113,738,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 (20 U.S.C. 1067q(b)(2)(C)) in fiscal year 2023;

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

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

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

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

(12) $34,104,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(i)) in fiscal year 2023;

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

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

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

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

(17) $17,052,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(ii)) in fiscal year 2023;

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

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

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


(22) $5,684,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(iii) in fiscal year 2023;


(27) $5,684,000, to remain available until September 30, 2023, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
2023;

(28) $5,684,000, to remain available until Sep-

tember 30, 2024, for carrying out section
371(b)(2)(D)(iv) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
2024;

(29) $5,684,000, to remain available until Sep-

tember 30, 2025, for carrying out section
371(b)(2)(D)(iv) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
2025; and

(30) $5,684,000, to remain available until Sep-

tember 30, 2026, for carrying out section
371(b)(2)(D)(iv) of the Higher Education Act of
1965 (20 U.S.C. 1067q(b)(2)(D)(iv) in fiscal year
2026;

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

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

Title III of the Higher Education Act of 1965 (20
U.S.C. 1051 et seq.) is amended—
(1) by redesignating part G as part H; and

(2) by inserting after section 371 the following:

"PART G—IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR MINORITY-SERVING INSTITUTIONS

"SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR MINORITY-SERVING INSTITUTIONS.

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

“(1) is described in section 371(a);

“(2) is a 4-year institution; and

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

“(b) AUTHORIZATION OF GRANT PROGRAMS.—

“(1) PLANNING GRANTS.—The Secretary shall award planning grants, on a competitive basis, to eligible institutions to assist the eligible institutions in developing a strategic plan, assessing capacity, and carrying out other activities to develop and submit an application for an implementation grant under paragraph (2) to support research and development infrastructure. Planning grants awarded under this paragraph shall be for a period of 1 to 2 years.
“(2) Implementation grants.—The Secretary shall award implementation grants, on a competitive basis, to eligible institutions to assist the eligible institutions in supporting research and development infrastructure. Implementation grants awarded under this paragraph shall be for a period of 1 to 5 years.

“(c) Applications.—

“(1) In general.—

“(A) Planning grants.—An eligible institution that desires to receive a planning grant under subsection (b)(1) shall submit an application to the Secretary. Such application shall include—

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

“(ii) an assurance that the grant funds provided under subsection (b)(1) shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to develop a plan, assess capacity, or carry out other activities related to research and development infrastructure.

“(B) Implementation grants.—
“(i) IN GENERAL.—An eligible institution that desires to receive an implementation grant under subsection (b)(2) shall submit an application to the Secretary. Such application shall include—

“(I) a description of the projects that will be carried out with grant funds and, in the case of an institution that was previously awarded a planning grant under subsection (b)(1), the strategic plan developed as part of such planning grant;

“(II) a description of how such projects will support the research and development infrastructure of the institution; and

“(III) an assurance that the grant funds provided under subsection (b)(2) shall be used to supplement, and not supplant, other Federal, State, tribal, and local funds that would otherwise be expended to support research and development infrastructure.
“(2) CONSORTIA.—An eligible institution may apply to receive a grant under this section on behalf of a consortium, which may include institutions classified as very high research activity by the Carnegie Classification of Institutions of Higher Education, two-year institutions of higher education, and other academic partners, philanthropic organizations, and industry partners, provided that the eligible institution is the lead member and fiscal agent of the consortium.

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

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

“(1) Received less than $10,000,000 for the previous fiscal year for research and development from all Federal sources combined, except that, in the case of an eligible institution being considered for an implementation grant, the calculation of such amount shall not include a planning grant under this section.
“(2) In the case of eligible institutions being considered for an implementation grant, have received a planning grant under this section and have developed and submitted to the Secretary a high-quality strategic plan, in accordance with the requirements of such planning grant.

“(e) USE OF FUNDS.—

“(1) PLANNING GRANTS.—An eligible institution that receives a planning grant under subsection (b)(1) shall use the grant funds to develop a strategic plan, assess capacity, and carry out other activities to develop and submit an application for an implementation grant to support research and development infrastructure. In carrying out the activities under such grant, each such eligible institution—

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

“(i) an assessment of the existing institutional research capacity and research and development infrastructure; and

“(ii) a detailed description of how research and development infrastructure funds provided by an implementation grant under this section would be used to in-
crease institutional research capacity and
support research and development infra-
structure; and

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

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

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

“(B) Providing for the improvement of in-
frastucture existing on the date of the grant
award, including deferred maintenance, or the
establishment of new physical infrastructure, including instructional program spaces, laboratories, or research facilities relating to the fields of science, technology, engineering, the arts, mathematics, health, agriculture, education, medicine, law, and other disciplines.

“(C) Hiring and retaining faculty, students, research-related staff, or other personnel, including research personnel skilled in operating, using, or applying technology, equipment, or devices used to conduct or support research.

“(D) Supporting research internships and fellowships for students, including undergraduate, graduate, and post-doctoral positions, which may include providing direct student financial assistance to such students.

“(E) Creating new, or expanding existing, academic positions, including internships, fellowships, and post-doctoral positions, in fields of research for which research and development infrastructure funds have been awarded under this section.

“(F) Creating and supporting inter- and intra-institutional research centers (including formal and informal communities of practice) in
fields of research for which research and development infrastructure funds have been awarded under this section, including hiring staff, purchasing supplies and equipment, and funding travel to relevant conferences and seminars to support the work of such centers.

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

“(H) Building data and collaboration infrastructure so that early findings and research can be securely shared to facilitate peer review and other appropriate collaboration.

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

“(J) Paying operating and administrative expenses for, and coordinating project partnerships with members of, a consortium described in subsection (c)(2) on behalf of which the eligi-
ble institution has received a grant under this section.

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

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

“(M) Acquiring and installing furniture, fixtures, and instructional research-related equipment and technology for academic instruction in campus facilities in fields of research for which research and development infrastructure funds have been awarded under this section.

“(N) Providing increased funding to programs that support research and development at the eligible institution that are funded by National Institutes of Health, including the
112

Path to Excellence and Innovation program

with the National Institutes of Health.

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

“(g) SUNSET.—

“(1) IN GENERAL.—The authority to make—

“(A) planning grants under subsection
(b)(1) shall expire at the end of fiscal year
2025; and

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

“(2) INAPPLICABILITY OF GEPA CONTINGENT
EXTENSION OF PROGRAMS.—Section 422 of the
1226a) shall not apply to this section.

“(h) APPROPRIATIONS.—In addition to amounts oth-
erwise available, there is appropriated for fiscal year 2022,
out of any money in the Treasury not otherwise appro-
prated, $2,000,000,000, to remain available until Sep-
ember 30, 2028, for carrying out this section.”.
PART 3—MISCELLANEOUS

SEC. 20051. OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until expended, for the Office of Inspector General of the Department of Education, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this part carried out by the Office of Inspector General.

SEC. 20052. PROGRAM ADMINISTRATION FUNDS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $738,000,000, to remain available until expended, for necessary administrative expenses associated with carrying out this subtitle and sections 22101 and 22102.

SEC. 20053. STUDENT AID ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $91,000,000, to remain available through September 30, 2030, for Student Aid Administration with-
in the Department of Education for necessary administra-
tive expenses associated with carrying out this subtitle.

**Subtitle B—Labor Matters**

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

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

(1) $195,000,000 to the Employee Benefits Security Administration for carrying out enforcement activities.

(2) $707,000,000 to the Occupational Safety and Health Administration for carrying out enforcement, standards development, whistleblower investigations, compliance assistance, funding for State plans, and related activities within the Occupational Safety and Health Administration.

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

(4) $405,000,000 to the Wage and Hour Division for carrying out activities.
(5) $121,000,000 to the Office of Workers’ Compensation Programs for carrying out activities of the Office relating to claims activity, policy and standards development, and monitoring of State workers’ compensation programs.

(6) $201,000,000 to the Office of Federal Contract Compliance Programs for carrying out audit, investigation, enforcement, and compliance assistance, and other activities.

(7) $176,000,000 to the Office of the Solicitor for carrying out necessary legal support for activities carried out by the Office related to and in support of the activities of those Department of Labor agencies receiving additional funding in this section.

SEC. 21002. NATIONAL LABOR RELATIONS BOARD.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the National Labor Relations Board for fiscal year 2022, $350,000,000, to remain available until September 30, 2026, for carrying out the activities of the Board, of which not more than $5,000,000 shall be for the implementation of systems to conduct electronic voting for union representation elections.
SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there are appropriated to the Equal Employment Opportunity Commission for fiscal year 2022, $321,000,000, to remain available until September 30, 2026, for carrying out investigation, enforcement, outreach, and related activities.

SEC. 21004. ADJUSTMENT OF CIVIL PENALTIES.

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

(1) in subsection (a)—

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

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

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

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

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

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

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

(2) in paragraph (2)—

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

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

(c) Migrant and Seasonal Agricultural Worker Protection Act.—Section 503(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853(a)(1)) is amended by striking “$1,000” and inserting “$25,790”.

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

SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIOLATIONS.

(a) Civil Monetary Penalties Relating to Parity in Mental Health and Substance Use Disorders.—Section 502(c)(10) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is amended—

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

(2) in subparagraph (A)—

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

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

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

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

(b) EXCEPTION TO THE GENERAL PROHIBITION ON ENFORCEMENT.—Section 502 of such Act (29 U.S.C. 1132) is amended—
(1) in subsection (a)(6), by striking “or (9)” and inserting “(9), or (10)”; and

(2) in subsection (b)(3)—

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

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

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

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

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

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

(1) by striking “SEC. 12. Any person” and inserting the following:

...
“SEC. 12. PENALTIES.

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

(2) by adding at the end the following:

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

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

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

“(2) the size of the employer;

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

“(4) the public interest.

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

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

“SEC. 12A. ADDITIONAL PENALTIES.

“(a) CIVIL PENALTIES FOR ADDITIONAL CONDUCT.—Any employer who violates subsection (d) affecting commerce shall be subject to a civil penalty in an amount not to exceed $50,000 for each such violation, ex-
cept that, with respect to such a violation that results in
the discharge of an employee or other serious economic
harm to an employee, the Board shall double the amount
of such penalty, to an amount not to exceed $100,000,
in any case where the employer has within the preceding
5 years committed another such violation of subsection (d)
that results in such discharge or other serious economic
harm.

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

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

“(2) the size of the employer;

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

“(4) the public interest.

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

“(d) PROHIBITION.—It shall be unlawful for an employer—

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

“(A) to permanently replace an employee who participates in a strike as defined by section 501(2) of the Labor Management Relations Act, 1947 (29 U.S.C. 142(2));

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

“(C) to lockout, suspend, or otherwise withhold employment from employees in order to influence the position of such employees or the representative of such employees in collective bargaining prior to a strike;

“(2) to communicate or misrepresent to an employee under section 2(3) that such employee is ex-
cluded from the definition of employee under section 2(3);

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

“(4) to violate subsection (e).

“(e) COLLECTIVE ACTION.—

“(1) IN GENERAL.—No employer shall—

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

“(B) coerce an employee into undertaking or promising not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee; or
“(C) retaliate or threaten to retaliate against an employee for refusing to undertake or promise not to pursue, bring, join, litigate, or support any kind of joint, class, or collective claim arising from or relating to the employment of such employee.

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

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

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

“(A) shall require only that the person in such violation pay a civil penalty under subsection (a); and

“(B) shall not include a requirement for a person to cease and desist such violation or any form of affirmative action other than the payment of such penalty;

“(2) a petition under subsection (c) of section 10 with respect to a violation of this section may be
only for enforcement of an order for the payment of
a civil penalty under subsection (a);

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

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

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

Subtitle C—Workforce
Development Matters

PART 1—DEPARTMENT OF LABOR

SEC. 22001. DISLOCATED WORKER EMPLOYMENT AND
TRAINING ACTIVITIES.

(a) IN GENERAL.—In addition to amounts otherwise
made available, there is appropriated to the Department
of Labor for fiscal year 2022, out of any money in the
Treasury not otherwise appropriated, $16,000,000,000, to
remain available until September 30, 2026, except that no
amounts may be expended after September 30, 2031, which shall be reserved and allotted to States in accordance with subsection (b)(2) of section 132 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172), reserved and allocated to local areas in accordance with subsections (a) and (b)(1)(B) of section 133 of such Act (29 U.S.C. 3173), and reserved by such local areas as follows:

(1) Not less than 20 percent shall be reserved for carrying out the career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174) and expanding access to the individualized career services described in section 134(e)(2)(A)(xii) of such Act (29 U.S.C. 3174(e)(2)(A)(xii)).

(2) Not less than 20 percent shall be reserved for carrying out the supportive services and providing the needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)), except that for purposes of the reservation under this paragraph the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and
(3) Not less than 50 percent shall be reserved for carrying out the training services—

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

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

(b) Supplement Not Supplant.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide employment and training activities for dislocated workers, including funds provided under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

SEC. 22002. ADULT WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) In General.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000,000, to
remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, which shall be reserved and allotted to States in accordance with subsection (b)(1) of section 132 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172), reserved and allocated to local areas in accordance with subsections (a) and (b)(1)(A) of section 133 of such Act (29 U.S.C. 3173), and reserved by such local areas as follows:

(1) Not less than 20 percent shall be reserved for carrying out the career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174) and expanding access to the individualized career services described in section 134(e)(2)(A)(xii) of such Act (29 U.S.C. 3174(e)(2)(A)(xii)).

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

(3) Not less than 50 percent shall be reserved for carrying out the training services—
(A) of which, not less than 60 percent shall be made available for individual training accounts or contracts authorized under section 134(e)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)); and

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

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

SEC. 22003. YOUTH WORKFORCE INVESTMENT ACTIVITIES.

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,054,000,000, to
remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, which shall be reserved and allotted to States in accordance with subparagraphs (B) and (C) of section 127(b)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3162(b)(1)), reserved and allocated to local areas in accordance with subsections (a) and (b) of section 128 of such Act (29 U.S.C. 3163), and reserved by such local areas as follows:

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

(2) 75 percent shall be reserved to provide opportunities for in-school youth and out-of-school youth to participate in paid work experiences described in subsection (c)(2)(C) of section 129 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164).

(b) PARTNERSHIPS.—Not less than 20 percent of amounts made available under subsection (a) shall be used by local areas to partner with community-based organizations serving out-of-school youth to carry out activities described in paragraphs (1) and (2) of subsection (a), including those residing in high-crime or high-poverty areas.
(c) Supplement Not Supplant.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for youth workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101 et seq.).

SEC. 22004. EMPLOYMENT SERVICE.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031

(1) $1,250,000,000 for carrying out the State grant activities authorized under section 7 of the Wagner-Peyser Act (29 U.S.C. 49f), which shall be allotted in accordance with section 6 of such Act (29 U.S.C. 49e), except that, for purposes of this section, funds shall also be provided to the Commonwealth of the Northern Mariana Islands and American Samoa in amounts the Secretary determines appropriate prior to the allotments being made in accordance with section 6 of such Act (29 U.S.C. 49d).

(2) $100,000,000 for carrying out improvements to the workforce and labor market inform-

SEC. 22005. RE-ENTRY EMPLOYMENT OPPORTUNITIES.

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

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

(a) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the
Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, to carry out activities through grants, cooperative agreements, contracts or other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, to create or expand only—

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

(2) youth apprenticeship programs and pre-apprenticeship programs that articulate to apprenticeship programs described in paragraph (1).

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

(1) entities serving a high number or high percentage of individuals with barriers to employment (as defined in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102)), including individuals with disabilities, or nontraditional apprenticeship populations; or
(2) youth apprenticeships or pre-apprenticeships that articulate to such registered apprenticeships programs.

SEC. 22007. COMMUNITY COLLEGE AND INDUSTRY PARTNERSHIP GRANTS.

(a) DEFINITIONS.—In this section—

(1) ELIGIBLE INSTITUTION.—The term “eligible institution” means an institution of higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965 (20 U.S.C. 1001, 1002(c)), including a Tribal College or University (as defined in section 316 of such Act (20 U.S.C. 1059c)), or a consortium of such institutions—

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

(B) that is working directly with an industry or sector partnership, or in the process of establishing such partnership, to carry out a grant under this section.

(2) PERKINS CTE DEFINITIONS.—The terms “career and technical education”, “career guidance and academic counseling”, “dual or concurrent enrollment program”, “evidence-based” and “work-based learning” have the meanings given the terms

(3) REGISTERED APPRENTICESHIP PROGRAM.—

The term “registered apprenticeship program” means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(4) SECRETARY.—The term “Secretary” means the Secretary of Labor.

(5) WIOA DEFINITIONS.—

(A) IN GENERAL.—The terms “career pathway”, “in-demand industry sector or occupation”, “individual with a barrier to employment”, “industry or sector partnership”, “integrated education and training”, “recognized postsecondary credential” and “supportive services” have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(B) CAREER SERVICES.—The term “career services” means services described in section 134(c)(2) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(2)).
(b) IN GENERAL.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, to carry out this section.

(c) GRANTS.—From funds appropriated under subsection (b) and not reserved under subsection (e), and under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)), the Secretary shall award grants on a competitive basis to eligible institutions for the purposes of expanding workforce development and employment opportunities in high-skill, high-wage, or in-demand industry sectors or occupations. To receive such a grant, an eligible institution shall submit to the Secretary an application at such time, in such manner, and containing such information as specified by the Secretary, including a description of the related programs, recognized postsecondary credentials, and employment opportunities.

(d) USE OF GRANT FUNDS.—

(1) IN GENERAL.—An eligible institution awarded a grant under this section shall use such grant funds to expand opportunities for attainment
of recognized postsecondary credentials that are na-
tionally portable and stackable for high-skill, high-
wage, or in-demand industry sectors or occupations
by—

(A) establishing, improving, or scaling
high-quality, evidence-based education and
training programs, such as career and technical
education programs, career pathway programs,
and work-based learning programs (including
programs of registered apprenticeships or pre-
apprenticeships that articulate to registered ap-
prenticeships);

(B) creating, developing, or expanding ar-
ticulation agreements (as defined in section
486A(a) of the Higher Education Act of 1965
(20 U.S.C. 1093a(a))), credit transfer agree-
ments, corequisite remediation programs, dual
or concurrent enrollment programs, or policies
and processes to award academic credit for
prior learning or career training programs sup-
ported by the funds described in subsection (c);

(C) making available open, searchable, and
comparable information on curriculum or recog-
nized postsecondary credentials, including those
created or developed using such funds, and in-
formation on the related skills or competencies, and related employment and earnings outcomes;

(D) establishing or implementing plans for providers of programs supported with such funds to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d));

(E) purchasing, leasing, or refurbishing specialized equipment necessary to carry out the education or career training programs supported by such funds;

(F) reducing or eliminating out-of-pocket expenses related to participants’ cost of attendance in the education or career training activities supported by such funds; or

(G) establishing or expanding industry or sector partnerships to successfully carry out the activities described in subparagraphs (A) through (F).

(2) RESERVATION.—An eligible institution awarded a grant under this section shall use not less than 15 percent of such grant funds to provide services to help individuals with barriers to employment complete and successfully transition out of education
or career training programs supported by such funds, which shall include providing supportive services, career services, career guidance and academic counseling, or job placement assistance.

(e) RESERVATIONS.—From the amounts made available under subsection (b), the Secretary shall reserve not more than 5 percent for—

(1) targeted outreach to eligible institutions serving a high number or high percentage of low-income individuals or individuals with barriers to employment, and rural-serving eligible institutions, to provide guidance and assistance in the grant application process under this section;

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

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

(f) SUPPLEMENT NOT SUPPLANT.—Amounts available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support community college education or career training programs.
SEC. 22008. INDUSTRY OR SECTOR PARTNERSHIP GRANTS.

(a) In General.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, to carry out this section.

(b) Grants.—From amounts appropriated under subsection (a) and not reserved under subsection (d), and under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)), the Secretary shall award grants on a competitive basis to eligible partnerships for the purposes of expanding workforce development and employment opportunities for high-skill, high-wage, or in-demand industry sectors or occupations, including information technology, clean energy, infrastructure and transportation, advanced manufacturing, public health, home care, and early childhood care and education. To receive such a grant, an eligible partnership shall submit to the Secretary an application at such time, in such manner, and containing such information as specified by the Secretary.

(e) Uses of Funds.—An eligible partnership awarded such a grant under this section shall use—
(1) such grant funds to engage and regularly convene stakeholders in a collaborative structure to identify, develop, improve, or expand training, employment, and growth opportunities for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused;

(2) not less than 50 percent of such grant funds to directly provide, or arrange for the provision of, high-quality, evidence-based training for the high-skill, high-wage, or in-demand industry sector or occupation on which such partnership is focused, which shall include—

(A) training services described in any clause of subparagraph (D) of section 134(c)(3) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(e)(3))) provided through contracts that meet the requirements of that section 134(c)(3); or

(B) training provided through registered apprenticeship programs, youth apprenticeship, or pre-apprenticeship programs that articulate to registered apprenticeship programs, or through joint labor-management partnerships; and
(C) establishing or implementing plans for providers of programs supported with such funds to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(3) not less than 15 percent of such grant funds to directly provide, or arrange for the provision of, services to help individuals with barriers to employment complete and successfully transition out of training described in paragraph (2), which services shall include career services, supportive services, or the provision of needs-related payments authorized under subsections (c)(2), (d)(2), and (d)(3) of section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174).

(d) RESERVATIONS.—

(1) IN GENERAL.—From the amounts made available under subsection (a), the Secretary shall reserve not more than 5 percent for—

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

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

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

(2) **State board or local board funds.**—From amounts made available under subsection (a), the Secretary shall reserve not less than 5 percent to provide direct assistance to State boards or local boards to support the creation or expansion of industry or sector partnerships in local areas with high unemployment rates or high percentages of individuals with low incomes or individuals with barriers to employment, as compared to State or national averages for such rates or percentages.

(e) **Supplement not supplant.**—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support activities described in this section.

(f) **Definitions.**—In this section:
145

(1) **Eligible Partnership.**—The term “eligible partnership” means—

(A) an industry or sector partnership, which shall include multiple representatives described in each of clauses (i) through (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102); or

(B) a partnership of multiple entities described in section 3(26) of such Act (29 U.S.C. 3102(26)), and a State board or local board, that is in the process of establishing an industry or sector partnership.

(2) **Perkins CTE Definitions.**—The terms “career guidance and academic counseling” and “evidence-based” have the meanings given the terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(3) **Registered Apprenticeship Program.**—The term “registered apprenticeship program” means an apprenticeship registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).
(4) **SECRETARY.**—The term “Secretary” means the Secretary of Labor.

(5) **WIOA DEFINITIONS.**—The terms “career pathway”, “in-demand industry sector or occupation”, “individual with a barrier to employment”, “industry or sector partnership”, “local area”, “local board”, and “State board” have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

**SEC. 22009. JOB CORPS.**

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the Job Corps program authorized under section 143 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3193 et seq.) and for the purposes of improving and expanding access to allowances and supports described in section 150 of such Act (29 U.S.C. 3200). Of such funds, no less than $750,000,000 shall be reserved for construction, rehabilitation and acquisition of Job Corps Centers.
SEC. 22010. NATIVE AMERICAN PROGRAMS.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the Native American programs authorized under the Workforce Innovation and Opportunity Act.

SEC. 22011. MIGRANT AND SEASONAL FARMWORKER PROGRAMS.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the migrant and seasonal farmworker programs authorized under Workforce Innovation and Opportunity Act, except that, for purposes of providing services under those programs to low-income individuals under this section, section 3(36)(A)(ii)(I) of such Act (29 U.S.C. 3102(36)(A)(ii)(I)) shall be applied by substituting “150 percent of the poverty line” for “the poverty line”.
SEC. 22012. YOUTHBUILD PROGRAM.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the YouthBuild program authorized under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226), including for the purposes of improving and expanding access to services, stipends, wages, and benefits described in subsections (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.

SEC. 22013. SENIOR COMMUNITY SERVICE EMPLOYMENT PROGRAM.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2031, for the Senior Community Service Employment program authorized under title V of the Older Americans Act (42 U.S.C. 3056 et seq.).

SEC. 22014. PROGRAM ADMINISTRATION.

In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fis-
149

cal year 2022, out of any money in the Treasury not other-
wise appropriated, $720,000,000, to remain available until
September 30, 2028, except that no amounts may be ex-
pended after September 30, 2031, for program adminis-
tration within the Department of Labor for salaries and
expenses necessary to implement this part.

**PART 2—DEPARTMENT OF EDUCATION**

**SEC. 22101. ADULT EDUCATION AND LITERACY.**

(a) IN GENERAL.—In addition to amounts otherwise
made available, there is appropriated to the Department
of Education for fiscal year 2022, out of any money in
the Treasury not otherwise appropriated, $3,600,000,000,
to remain available until September 30, 2028, to carry out
title II of the Workforce Innovation and Opportunity Act
(29 U.S.C. 3101 et seq.), which shall be reserved, and
granted and allotted to eligible agencies in accordance with
subsections (a), (b), and (c) of section 211 of such Act,
respectively.

(b) REQUIREMENT.—With respect to each eligible
agency that receives funds appropriated by this section,
for each fiscal year for which such eligible agency receives
such funds, section 222(a)(1) of the Workforce Innovation
and Opportunity Act (29 U.S.C. 3302(a)(1)) the shall be
applied by substituting “not less than 10 percent” for
“not more than 20 percent”.

SEC. 22102. CAREER AND TECHNICAL EDUCATION.

(a) In General.—In addition to amounts otherwise made available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2028:

(1) $3,000,000,000 for carrying out career and technical education programs authorized under section 124 and section 135 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.), which shall be allotted in accordance with section 111 and section 112 of such Act (20 U.S.C. 2321, 2322), except that subsection (b) of section 112 of such Act (20 U.S.C. 2322) shall not apply.

(2) $1,000,000,000 for carrying out the innovation and modernization program described in subsection(e) of section 114 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2324(e)), except that for purposes of this paragraph—

(A) the 20 percent limitation in paragraph (1) of such subsection, and paragraph (2) of such subsection, shall not apply; and
(B) eligible agencies (as defined in section 3 of such Act) shall be eligible to receive grants under section 114(e) of such Act.

(b) Supplement Not Supplant.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for career and technical education programs, including the funds provided under the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.).

PART 3—COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM

SEC. 22201. COMPETITIVE INTEGRATED EMPLOYMENT TRANSFORMATION GRANT PROGRAM.

(a) In General.—In addition to amounts otherwise made available, there is appropriated to the Department of Labor, $300,000,000 for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended, for the Secretary of Labor (referred to in this section as the “Secretary”) to award grants to States in accordance with this section to assist employers in such States who were issued special certificates under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) in transforming (or continuing to transform) their business and program models from
providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment and to cover any administrative costs associated with such grants.

(b) Reservations and Allotments; Duration of Awards.—

(1) Reservations.—

(A) Allotments to Non-Covered States.—

(i) In general.—The Secretary shall reserve 10 percent of the amount appropriated by subsection (a) to award grants, in accordance to clause (ii), to States described in subsection (c)(3) that submit an application under subsection (c) meeting the applicable requirements of such subsection.

(ii) Allotment Amount.—The Secretary shall allot grants to each State under clause (i) a grant in an amount that bears the same relationship to the total amount reserved under clause (i) as the population of the State bears to the total
population of all States described in such clause.

(B) National Technical Assistance Center.—The Secretary shall use 2 percent of the amounts appropriated in subsection (a) to establish, either directly or through grants, contracts, or cooperative agreements, a national technical assistance center to provide technical assistance to employers who are transforming from employing people with disabilities using special certificates to providing competitive integrated employment and to collect and disseminate evidence-based practices with respect to the transformations and in providing competitive integrated employment and integrated services.

(2) Allotments to Covered States.—

(A) 15 or More Covered States.—

(i) In General.—In the case that, as of a date determined appropriate by the Secretary, there are 15 or more covered States the Secretary shall allot to each covered State a grant in an amount equal to the sum of the allotted to such State under clauses (ii) and (iii).
(ii) Allotment based on number of employees special certificates.—
From the total amount that is 70 percent of the funds appropriated under subsection (a) and not reserved under paragraph (1), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of people with disabilities who are employed under a special certificate in the covered State bears to the total number of people with disabilities who are employed under a special certificate in all covered States.

(iii) Allotment based on employers with special certificates.—From the total amount that is 30 percent of the funds appropriated under subsection (a) and not reserved under paragraph (1), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of employers in the covered State who have in effect a special certificate bears to the total number of employers in all covered States.
States who have in effect such a certificate.

(B) 14 OR FEWER COVERED STATES.—In the case that, as of the date determined appropriate by the Secretary under subparagraph (A), there are fewer than 15 covered States, the Secretary shall award grants to each covered State on a competitive basis in an amount that the Secretary determines necessary to accomplish the purpose of the grant described in subsection (a).

(C) COVERED STATE.—In this subsection, the term “covered State” means a State that—

(i) is not described in subsection (c)(3); and

(ii) submits an application under subsection (c) that meets the applicable requirements under such subsection.

(3) DURATION OF AWARDS.—A grant under this section shall be awarded for a period of 5 years.

(4) CUTTOFF.—The Secretary may not issue a grant under this subsection after September 30, 2025.

(c) APPLICATIONS.—
(1) IN GENERAL.—To be eligible to receive a grant under this section, a State shall submit an application to the Secretary at such time, in such manner, and including such information as the Secretary may reasonably require.

(2) CONTENTS.—In the case of a State not described in paragraph (3), an application submitted under paragraph (1) shall include—

(A) a description of the status of the employers in the State providing employment using special certificates, which may include—

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

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

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

(iv) the average hourly wage for such employees;

(B) a description of activities to be funded under the grant, and the goals of such activities, including the activities of the State with respect to competitive integrated employment for people with disabilities; and
(C) assurances that—

(i) the activities carried out under the grant will, by not later than the end of the 5-year grant period, result in—

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

(II) in the case of an employer in the State that, as of the date of enactment of this Act, provides employment using special certificates, the employer—

(aa) transforms its business and program models as described in subsection (d)(1)(A); or

(bb) ceases providing specialized employment services for people with disabilities; and

(ii) each individual in the State who is employed under a special certificate on or after the date of enactment will be employed in competitive integrated employment or a combination of competitive inte-
grated employment and integrated services, including by compensating all employees of the employer for all hours worked at a rate that is—

(I) not less than the higher of the rate specified in section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1)) or the rate specified in the applicable State or local minimum wage law, or the applicable prevailing wage rate under the McNamara-O’Hara Service Contract Act (41 U.S.C. 6701 et seq.); and

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

(iii) the State will establish an advisory council described in subsection (e) to monitor and guide the process of trans-
forming business and program models of
employers in the State as described in sub-
section (d)(1)(A).

(3) APPLICATIONS FOR STATES RECEIVING
AMOUNT FROM RESERVATION.—In the case of a
State that, as of the date of enactment of this Act,
is determined by the Secretary to have phased out
or to be in the process of phasing out the use of spe-
cial certificates in the State, an application under
this subsection from such State shall include only
the information described in paragraph (2)(B).

(d) USE OF FUNDS.—

(1) IN GENERAL.—In the case of a State not
described in paragraph (2), such State shall use the
grant funds for each of the following activities:

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

(B) Implementing a service delivery infra-
structure to support people with disabilities who

...
have been employed under special certificates through such a transformation, including pro-
viding enhanced integrated services to support people with the most significant disabilities.

(C) Expanding competitive integrated em-
ployment and integrated services to be provided to such people as a result of transformations described in subparagraph (A).

(2) STATES RECEIVING AMOUNT FROM RES-
ERVATION.—A State that, as of the date of enact-
ment of this Act, is determined by the Secretary to have phased out or to be in the process of phasing out the use of special certificates in the State, shall use the grant funds for expansion of competitive integrated employment and integrated services to be provided to people with disabilities.

(e) MEMBERS OF THE ADVISORY COUNCIL.—A State receiving a grant under this section shall, for the purpose described in subsection (c)(2)(C)(iii), establish an advisory council composed of the following:

(1) People with disabilities, including people with intellectual or developmental disabilities and people with mental health disabilities, who are or were employed under a special certificate, who shall
comprise not less than 25 percent of the members of such advisory council.

(2) Family members of a person with an intellectual, developmental, or mental health disability who is or was employed under a special certificate or is employed in competitive integrated employment.

(3) An employer providing competitive integrated employment.

(4) An employer providing employment under special certificates.

(5) Representatives of relevant State agencies with expertise in competitive integrated employment, disability organizations with such expertise, and disability related offices and groups with such expertise.

SEC. 22202. DEFINITIONS.

In this part:

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

(2) Employee; employer.—The terms “employee” and “employer” have the meanings given

(3) **INTEGRATED COMMUNITY PARTICIPATION AND WRAPAROUND SERVICES; INTEGRATED SERVICES.**—The terms “integrated community participation and wraparound services” or “integrated services” mean services for people with disabilities that are—

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

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

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

      (i) maintaining competitive integrated employment;

      (ii) achieving independent living; or

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

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

   (E) provided in a location that—
(i) allows the people receiving the services to interact with people without disabilities to the fullest extent possible; and

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

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

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

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

(4) **People with disabilities.**—The term “people with disabilities” includes individuals described in section 14(c)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)).

(5) **State.**—The term “State” has the meaning given the term in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203)).
PART 4—RECRUITMENT, EDUCATION AND TRAINING, RETENTION, AND CAREER ADVANCEMENTS FOR THE DIRECT CARE WORKFORCE

SEC. 22301. DEFINITIONS.

In this part:

(1) CTE DEFINITIONS.—The terms “evidence-based” and “work-based learning” have the meanings given such terms in section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

(2) WIOA DEFINITIONS.—The terms “career pathway”, “career planning”, “individual with a barrier to employment”, “local board”, “older individual”, “on-the-job training”, “recognized postsecondary credential”, and “State board” have the meanings given such terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) OTHER DEFINITIONS.—

(A) CAREER AND TECHNICAL EDUCATION SCHOOL.—The term “career and technical education school” has the meaning given the term “eligible recipient” in section 3 of the 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).
(B) Direct Care Worker.—The term “direct care worker” means—

(i) a direct support professional;

(ii) any worker who provides direct care services in home or community-based setting;

(iii) a respite care provider who provides short-term support and care to an individual in order to provide relief to a family caregiver;

(iv) a palliative care worker;

(v) a direct care worker, as defined in section 799B of the Public Health Service Act (42 U.S.C. 795p); or

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

(C) Eligible Entity.—The term “eligible entity” means an entity that is—

(i) a State;
(ii) a labor organization, a joint labor-management organization, or a Multi-Employer Training and Education Fund;

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

(iv) an Indian Tribe or Tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304));

(v) an urban Indian organization (as defined in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603));

(vi) a State board or local board;

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

(viii) when in partnership with an entity described in any of clauses (i) through (vii)—

(I) an institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20
U.S.C. 1001) or section 102(a)(1)(B) of such Act (20 U.S.C. 1002(a)(1)(B))); or

(II) a career and technical education school; or

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

(D) FAMILY CAREGIVER.—The term “family caregiver” means a paid or unpaid adult family member or other individual who has a significant relationship with, and who provides a broad range of assistance to, an individual with a chronic or other health condition, disability, or functional limitation.

(E) HOME AND COMMUNITY-BASED SERVICES.—The term “home and community-based services” has the meaning given such term in section 9817(a)(2) of the American Rescue Plan Act of 2021 (Public Law 117–2).

(F) PERSON WITH A DISABILITY.—The term “person with a disability” means an individual with a disability as defined in section 3 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12102).
(G) **Pre-apprenticeship Program.**—The term “pre-apprenticeship program” means a program that articulates to a registered apprenticeship program.

(H) **Registered Apprenticeship Program.**—The term “registered apprenticeship program” means an apprenticeship program registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.).

(I) **Secretary.**—The term “Secretary” means the Secretary of Labor.

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

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

(a) **Grants Authorized.**—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,480,000,000, to remain
available until September 30, 2031, for awarding, on a competitive basis, grants to eligible entities to carry out the activities described in subsection (c) with respect to direct care workers.

(b) APPLICATIONS; AWARD BASIS.—

(1) APPLICATIONS.—

(A) IN GENERAL.—An eligible entity seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary, in coordination with the Secretary of Health and Human Services acting through the Administrator of the Administration for Community Living, may require.

(B) CONTENTS.—Each application under subparagraph (A) shall include—

(i) a description of the type or types of direct care workers the entity plans to serve through the activities supported by the grant;

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

(iii) an assurance that—
(I) the eligible entity will establish a consultative process, as described in subsection (c)(2); and

(II) the eligible entity will consult on the implementation of the grant, or coordinate the activities of the grant, with the agencies in the State that are responsible for developmental disability services, aging, education, workforce development, and Medicaid, to the extent that each such entity is not the eligible entity; and

(iv) a plan for ensuring that the eligible entity will remain neutral in any organizing effort involving direct care workers served by the grant who seek to form, join, or assist a labor organization.

(2) CONSIDERATION.—In awarding grants under subsection (a), the Secretary, in coordination with the Secretary of Health and Human services acting through the Administrator of the Administration for Community Living, shall ensure equitable geographic diversity in distribution of the grants, including by selecting recipients in rural areas and selecting recipients in urban areas.
(3) DURATION OF GRANTS.—A grant awarded under this section shall be for a period of 3 years, and may be renewed. The Secretary, in coordination with the Secretary of Health and Human Services acting through the Administrator of the Administration for Community Living, shall award grants (including any renewals) under this section in 3-year cycles subject to the limits set forth in subsection (a).

(c) USE OF FUNDS.—

(1) IN GENERAL.—

(A) REQUIRED USE OF FUNDS.—Each eligible entity receiving a grant under subsection (a) shall use the grant funds to provide competitive wages, benefits, and other supportive services, including transportation, child care, dependent care, workplace accommodations, and workplace health and safety protections, to the direct care workers served by the grant that are necessary to enable such workers to participate in the activities supported by the grant.

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

(i) Developing and implementing a strategy for the recruitment of direct care workers.

(ii) Developing and implementing a strategy for the retention of direct care workers using evidence-based best practices, such as providing mentoring to such workers.

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

(I) education and training on—

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

(AA) wages and hours, including under the Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.);
(BB) safe working conditions, including under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.);

(CC) forming, joining, or assisting a labor organization, including under the National Labor Relations Act (29 U.S.C. 153 et seq.); and

(DD) other applicable terms and conditions of employment; and

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

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

(aa) is consistent with measurable skill gains or attainment of a recognized postsecondary credential received as a result of participation in or completion of such education or training program; and

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

(III) developing and implementing a strategy for the retention and career advancement of the direct care workers served by the grant, including providing career planning for the direct care workers served by the
grant to support the identification of
advancement opportunities, and career
pathways in the direct care or home
care sectors; and

(IV) using evidence-based models
and standards for achievement for the
attainment of any associated recognized postsecondary credentials, which
include—

(aa) supporting opportunities to participate in pre-apprenticeship or registered apprenticeship programs, work-based learning, or on-the-job training;

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

(cc) training on the in-demand skills and competencies of direct care workers served by the grant, including the provision of culturally competent and dis-
176
ability competent supports and
services.

(2) CONSULTATION.—Each eligible entity receiving a grant under this section shall consult in the development and implementation of the grant with—

(A) individuals with disabilities;

(B) older individuals;

(C) direct care workers;

(D) family caregivers, guardians, or family members; or

(E) representatives of—

(i) organizations representing the rights and interests of people receiving home and community-based services;

(ii) provider agencies or employers of direct care workers served by the grant;

(iii) labor or joint labor-management organizations, or advocacy organizations, representing direct care workers served by the grant; or

(iv) institutions of higher education or career and technical education schools providing education and training on direct care.
(d) **SUPPLEMENT AND NOT SUPPLANT.**—An eligible entity receiving a grant under this section shall use such grant only to supplement, and not supplant, the amount of funds that, in the absence of such grant, would be available to the eligible entity to address the recruitment, education and training, retention, or career advancement of direct care workers in the State served by the grant.

**PART 5—WORKFORCE DEVELOPMENT PROGRAMS IN SUPPORT OF COMMUNITIES AND THE ENVIRONMENT**

**SEC. 22401. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE.**

(a) **IN GENERAL.**—

(1) **AMERICORPS STATE AND NATIONAL PROGRAMS.**—

(A) **IN GENERAL.**—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $1,305,000,000, to remain available until September 30, 2027, for carrying out national service programs authorized under section 122(a)(3)(B) of the National and Community Service Act of 1990 (42 U.S.C.
12572(a)(3)(B)) which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities to support national service programs authorized under the AmeriCorps State and National program (whether or not the entities are already grant recipients under such provisions on the date of enactment of this Act) and to increase the living allowances of participants in national service programs.

(B) Waiver of matching requirement.—For the purposes of carrying out this subparagraph, the Corporation shall waive any match requirement in whole or in part where a grantee demonstrates such waiver would increase access and remove barriers for organizations that serve communities that are adversely affected by persistent poverty, discrimination, or inequality.

(2) National Civilian Community Corps.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $80,000,000, to remain available until Sep-
tember 30, 2027, for carrying out the National Civil-
ian Community Corps authorized under section 152
of the National and Community Service Act of 1990
(42 U.S.C. 12612).

(3) VOLUNTEERS IN SERVICE TO AMERICA PRO-
GRAM.—In addition to amounts otherwise made
available, there is appropriated for fiscal year 2023,
out of any money in the Treasury not otherwise ap-
propriated, to the Corporation for National and
Community Service, $100,000,000, to remain avail-
able until September 30, 2027, for carrying out the
Volunteers in Service to America (VISTA) program
for the purposes described in section 101 of the Do-
mestic Volunteer Service Act of 1973 (42 U.S.C.
4951), including to increase the living allowances of
volunteers, described in section 105(b) of such Act
(42 U.S.C. 4955).

(4) STATE COMMISSIONS.—In addition to
amounts otherwise made available, there is appro-
priated for fiscal year 2023, out of any money in the
Treasury not otherwise appropriated, to the Cor-
poration for National and Community Service,
$40,000,000, to remain available until September
30, 2027, to make adjustments to existing (as of the
date of enactment of this Act) awards and new and
additional awards, including awards to State Commissions on National and Community Service, under section 126(a) of the National and Community Service Act of 1990 (42 U.S.C. 12576(a)).

(5) USE OF FUNDS.—Amounts made available under paragraphs (1) through (4) shall be used by the Corporation for National and Community Service to carry out activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(3)(B)) and for activities related to environmental resiliency, remediation, or mitigation by—

(A) ensuring at least 50 percent of such funds are awarded to entities that serve, and have representation from, low-income communities, Tribal, Alaska Native, or Native Hawaiian communities, or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(B) taking into account the diversity of communities served by such entities and the diversity of AmeriCorps members serving in these projects, including racial, ethnic, socioeconomic, linguistic, or geographic diversity, and utilizing culturally competent and multilingual strategies.
in the provision of services to communities and
in the recruitment of members;

(C) supporting projects that are planned
and implemented with the community served by
such activities;

(D) providing participants with workforce
development opportunities such as pre-appren-
ticeship programs that articulate to registered
apprenticeships, and pathways to post-service
employment in high-quality jobs or registered
apprenticeships; and

(E) coordinating with and providing re-
sources to the Departments of Labor and Edu-
cation to improve the readiness of participants
to transition to high-quality jobs or further edu-
cation.

(b) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts oth-
erwise made available, there is appropriated for fis-
cal year 2022, out of any money in the Treasury not
otherwise appropriated, to the Corporation for Na-
tional and Community Service, $199,650,000, to re-
main available until September 30, 2027, which
shall be used for administrative expenses as provided
under section 501(a)(5) of the National and Com-
and under section 504(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084(a)), including an evaluation of the Corporation’s information technology security, corrective actions to address recommendations arising from audits of the agency and the National Service Trust, and, in consultation with the Inspector General, the development of grant fraud prevention and detection controls and risk-based anti-fraud grant monitoring. Not less than 5 percent of funds under this paragraph shall be reserved for outreach to and recruitment of members from communities traditionally underrepresented in the programs and activities funded under this section.

(2) PROJECT, OPERATIONS, AND MANAGEMENT PLAN.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $350,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation for National and Community Service in collaboration with the Department of Labor, to develop, issue, and
implement a project, operations, and management plan for funds appropriated under this section. In developing the financial management portion of the plan, the Chief Executive Officer shall consult with the Inspector General. Such plan shall be provided to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate prior to obligating funds or making outlays for funds appropriated under subsection (a).

(c) OFFICE OF INSPECTOR GENERAL.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Office of Inspector General of the Corporation for National and Community Service, $15,000,000 to remain available until September 30, 2030, which shall be used by the Office of Inspector General of the Corporation for National and Community Service for salaries and expenses necessary for oversight and audit of programs, activities and operations funded under this section.

(d) NATIONAL SERVICE TRUST.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury
not otherwise appropriated, to the National Service Trust, $260,000,000, to remain available until expended, for—

(1) administration of the National Service Trust; and

(2) payment to the Trust for the provision of educational awards pursuant to section 145(a)(1)(A) and section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12601(a)(1)(A); 12604).

SEC. 22402. DEPARTMENT OF LABOR.

(a) IN GENERAL.—

(1) YOUTHBUILD PROGRAM.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $250,000,000, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, for the YouthBuild program authorized under section 171(c)(1) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(e)(1)), including for the purposes of improving and expanding access to services, stipends, wages, and benefits described in subsections (c)(2)(A)(vii) and (c)(2)(F) of section 171 of such Act.
(2) JOB CORPS PROGRAM.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $500,000,000, to remain available until September 30, 2030, except that no amounts may be expended after September 30, 2031, for the Job Corps program authorized under section 143 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3193 et seq.), including Civilian Conservation Centers as described in section 147(d)(1) of such Act (29 U.S.C. 3197) and for the purposes of improving and expanding access to allowances and supports described in section 150 of such Act (29 U.S.C. 3200).

(3) EX-OFFENDER ACTIVITIES.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $500,000,000, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, for ex-offender activities under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)).
(4) APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $1,000,000,000, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, to carry out activities through grants, cooperative agreements, contracts or other arrangements, with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries, to create or expand only apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the “National Apprenticeship Act”; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.), youth apprenticeship programs, and pre-apprenticeship programs articulating to apprenticeship programs registered under such Act.

(5) PAID YOUTH EMPLOYMENT ACTIVITIES.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $249,800,000, to remain available until September 30, 2030, except that no amounts may be expended after September 30, 2031.
30, 2031, for paid youth employment activities under the authority of section 169(b)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)) for in-school and out-of-school youth as defined in section 3 of such Act (29 U.S.C. 3102).

(b) USE OF FUNDS.—Amounts made available under paragraphs (1) through (8) of subsection (a) shall be used for activities to include training for careers in industry sectors and occupations related to environmental resiliency, remediation, or mitigation and activities to increase diversity within such industry sectors and occupations, taking into account the diversity of communities and participants served by such programs, including racial, ethnic, socioeconomic, linguistic, or geographic diversity.

(c) PROJECT, OPERATIONS, AND MANAGEMENT PLAN.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, $200,000, to remain available until September 30, 2023, which shall be used by the Secretary of Labor in collaboration with the Chief Executive Officer of the Corporation for National and Community Service, to develop and issue a project, operations, and management plan for funds appropriated under this section. Such
plan shall be provided to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate prior to obligating funds or making outlays for funds appropriated under subsection (a).

PART 6—DEPARTMENT OF LABOR INSPECTOR GENERAL FUNDING

SEC. 22501. DEPARTMENT OF LABOR INSPECTOR GENERAL FUNDING.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this subtitle and subtitle B of this title.

Subtitle D—Child Care and Universal Pre-Kindergarten

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

(a) SHORT TITLE.—This section may be cited as the “Birth Through Five Child Care and Early Learning Entitlement Act”.
(b) Definitions.—

(1) In General.—The definitions in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) shall apply to this section, except as provided in subparagraph (2) and as otherwise specified.

(2) Additional Terms.—In this section:

(A) Child care certificate.—

(i) In General.—The term “child care certificate” means a certificate (that may be a check or other disbursement) that is issued by a State or local government under this section directly to a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider.

(ii) Rule.—Nothing in this section shall preclude the use of such certificates for sectarian child care services if freely chosen by the parent. For the purposes of this section, child care certificates shall be considered Federal financial assistance to the provider.
(B) Child experiencing homelessness.—The term “child experiencing homelessness” means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(C) Eligible activity.—The term “eligible activity”, with respect to a parent, shall include, at minimum, activities consisting of—

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

(ii) self-employment;

(iii) job search activities;

(iv) job training;

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

(vi) health treatment (including mental health and substance use treatment) for a condition that prevents the parent from participating in other eligible activities;
(vii) activities to prevent child abuse and neglect, or family violence prevention or intervention activities;
(viii) employment and training activities under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);
(ix) employment and training activities under the Workforce Innovation and Opportunity Act (29 U.S.C. 3101)
(x) work activities under the program of block grants to States for temporary assistance for needy families under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.); and
(xi) taking leave under the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.) (or equivalent provisions for Federal employees), a State or local paid or unpaid leave law, or a program of employer-provided leave.

(D) ELIGIBLE CHILD.—The term “eligible child” means an individual (without regard to
the immigration status of the individual or of
any parent of the individual)—

   (i) who is less than 6 years of age;
   (ii) who is not yet in kindergarten;
   (iii) whose family income does not ex-
        ceed—

       (I) for fiscal year 2022, 100 per-
       cent of the State median income for a
       family of the same size;
       (II) for fiscal year 2023, 115
       percent of such State median income;
       (III) for fiscal year 2024, 130
       percent of such State median income;
       and
       (IV) for each of fiscal years 2025
       through 2027, 200 percent of such
       State median income;
   (iv) whose family assets do not exceed
       $1,000,000 (as certified by a member of
       such family); and
   (v) who—

       (I) resides with a parent partici-
       pating in an eligible activity;
       (II) is included in a population of
       vulnerable children identified by the
lead agency involved, which at a minimum shall include children experiencing homelessness, children in foster care, children in kinship care, and children who are receiving, or need to receive, child protective services; or

(III) resides with a parent who is more than 65 years of age.

(E) ELIGIBLE CHILD CARE PROVIDER.—

(i) IN GENERAL.—The term “eligible child care provider” means a center-based child care provider, a family child care provider, or other provider of child care services for compensation that—

(I) is licensed to provide child care services under State law;

(II) participates in the State’s tiered system for measuring the quality of child care providers described in subsection(f)(4)(B)—

(aa) not later than the last day of the third fiscal year for which the State receives funds under this section; and
(bb) for the remainder of the period for which the provider receives funds under this section; and

(III) satisfies the State and local requirements applicable to eligible child care providers under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.), including those requirements described in section 658E(c)(2)(I) of such Act (42 U.S.C. 9858c(c)(2)(I)).

(ii) SPECIAL RULE.—A child care provider who has been eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) on the date the State submits an application for funds under this section and remains in good standing with the State, shall be deemed to be an eligible child care provider under this section for 3 years after the State receives funding under this section.
(F) **FMAP.**—The term “FMAP” has the meaning given the term “Federal medical assistance percentage” in the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

(G) **FAMILY CHILD CARE PROVIDER.**—Family child care provider means one or more individuals who provide child care services less than 24 hours per day per child, in a private residence other than the residences of the children, unless care for 24 hours is provided due to the nature of the parents’ work.

(H) **INCLUSIVE CARE.**—The term “inclusive”, with respect to care (including child care), means care provided by an eligible child care provider—

(i) for whom the percentage of children served by the provider who are children with disabilities or infants or toddlers with disabilities reflects the prevalence of children with disabilities and infants and toddlers with disabilities (whichever the provider serves) among children within the State involved; and
(ii) that provides care and full participation for children with disabilities and infants and toddlers with disabilities (whichever the provider serves) alongside children who are—

(I) not children with disabilities;

and

(II) not infants and toddlers with disabilities.

(I) **INFANT OR TODDLER.**—The term “infant or toddler” means an individual who is less than 3 years of age.

(J) **INFANT OR TODDLER WITH A DISABILITY.**—The term “infant or toddler with a disability” has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

(K) **LEAD AGENCY.**—The term “lead agency” means the agency designated or established under subsection (e).

(L) **STATE.**—The term “State” means any of the 50 States and the District of Columbia.

(M) **TERRITORY.**—The term “territory” means the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam,
American Samoa, and the Commonwealth of the Northern Mariana Islands.

(N) **Tribal organization.**—The term “Tribal organization” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(O) **Urban Indian organization.**—The term “Urban Indian organization” has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(e) **Appropriations.**—

(1) **In general.**—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, for carrying out this section—

(A) $20,000,000,000 for fiscal year 2022, to remain available until September 30, 2025,

(B) $30,000,000,000 for fiscal year 2023, to remain available until September 30, 2026

(C) $40,000,000,000 for fiscal year 2024, to remain available until September 30, 2027;
(D) such sums as may be necessary for each of fiscal years 2025 through 2027, to remain available for one fiscal year.

(2) Administration.—

(A) Fiscal years 2022 through 2024.—
There is appropriated, out of any money in the Treasury not otherwise appropriated, to the Department of Health and Human Services to carry out subsection (k), $130,000,000 for each of fiscal years 2022, 2023, and 2024.

(B) Fiscal years 2025 through 2027.—
From the amounts appropriated under subsection (a), the Secretary shall reserve, to carry out subsection (k), up to 1 percent of such amounts for each of fiscal years 2025, 2026, and 2027.

(d) Establishment of Birth Through Five Child Care and Early Learning Entitlement Program.—

(1) In general.—The Secretary is authorized to administer a child care and early learning entitlement program under which families, in States, territories, and Indian Tribes with an approved application under subsection (f) or (g), shall be provided an opportunity to obtain high-quality child care services
for eligible children, subject to the requirements of this section.

(2) Assistance for Every Eligible Child.—Beginning on October 1, 2024, every family who applies for assistance under this section with respect to a child in a State with an approved application under subsection (g), or in a territory or Indian tribe with an approved application under subsection (f), and who is determined, by a lead agency (or other entity designated by a lead agency) following standards and procedures established by the Secretary by rule, to be an eligible child, shall be offered child care assistance in accordance with and subject to the requirements and limitations of this section.

(e) Lead Agency.—The Governor of a State or the head of a territory or Indian tribe, desiring to receive assistance under this section shall designate an agency (which may be an appropriate collaborative agency), or establish a joint interagency office—

(1) to serve as the lead agency for the State, territory, or Indian tribe under this section; and

(2) to administer, directly or through other governmental or nongovernmental agencies of the State, territory or Indian tribe the financial assistance received under this section by the State, territory, or
Indian tribe, including by certifying the eligibility of children.

(f) APPLICATIONS AND STATE PLANS.—

(1) APPLICATION.—To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary for approval an application at such time, in such manner, and containing a State plan that—

(A) for a transitional State plan, meets the requirements under subsection (c) and contains such information as the Secretary may require, to demonstrate the State will meet the requirements of this section; and

(B) for a full State plan, meets the requirements under subsection (d) and contains that information.

(2) PERIOD COVERED BY PLAN.—A State plan contained in the application shall be designed to be implemented—

(A) for a transitional State plan, during a 1-year period; and

(B) for a full State plan, during a 3-year period.

(3) REQUIREMENTS FOR TRANSITIONAL STATE PLANS.—For a period of 1 year following the date
of enactment of this Act, the Secretary shall award funds under this section to States with an approved application that contains a transitional State plan, submitted under paragraph (1)(A) that includes, at a minimum—

(A) an assurance that the State will submit a State plan under paragraph (4); and

(B) a description of how the funds received by the State under this section will be spent to expand access to child care assistance and increase the supply and quality of child care providers within the State, in alignment with the requirements of this section.

(4) REQUIREMENTS FOR FULL STATE PLANS.—

The Secretary may award funds under this section to States with an approved application that contains a subsequent State plan, submitted under subsection (a)(2), that includes, at a minimum, the following:

(A) PAYMENT RATES AND COST ESTIMATION.—

(i) PAYMENT RATES.—The State plan shall certify that payment rates for the provision of child care services for which assistance is provided in accordance with this section for the period covered by the
plan, within 3 years after the State receives funds under this section—

(I) will be sufficient to meet the cost of child care, and set in accordance with a cost estimation model or cost study described in clause (ii) that is approved by the Secretary; and

(II) will correspond to differences in quality (including improved quality) based on the State’s tiered system for measuring the quality of eligible child care providers described in subparagraph (B).

(ii) COST ESTIMATION.—Such State plan shall—

(I) demonstrate that the State has, after consulting with relevant entities and stakeholders, developed and uses a statistically valid and reliable cost estimation model or cost study for the payment rates of child care services in the State that reflect rates for providers at each of the tiers of the State’s tiered system for measuring the quality of child care pro-
providers described in subparagraph (B), and variations in the cost of child care services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive child care services; and

(II) certify that the State’s payment rates for child care services for which assistance is provided in accordance with this section—

(aa) are set in accordance with the most recent estimates from the most recent cost estimation model or cost study under subclause (I), so that providers at each tier of the tiered system for measuring provider quality described in subparagraph (B) receive a payment that is sufficient to meet the requirements of such tier;

(bb) are set so as to provide payments to providers not at the top tier of the tiered system that
are sufficient to enable the providers to increase quality to meet the requirements for the next tier;

(cc) ensure adequate wages for staff of child care providers providing such child care services that—

(AA) at a minimum,

provide a living wage for all staff of such child care providers; and

(BB) are equivalent to wages for elementary educators with similar credentials and experience in the State; and

(dd) are adjusted on an annual basis for cost of living increases to ensure those payment rates remain sufficient to meet the requirements of this section.

(iii) PAYMENT PRACTICES.—Such State plan shall include an assurance that the State will implement payment practices
that support the fixed costs of providing child care services.

(B) Tiered system for measuring the quality of child care providers.—Such State plan shall certify that the State has implemented, or assure that the State will implement within 3 years after receiving funds under this section, a tiered system for measuring the quality of eligible child care providers who provide child care services for which assistance is made available under this section. Such tiered system shall—

(i) include a set of standards, for determining the tier of quality of a child care provider, that—

(I) uses standards for a highest tier that at a minimum are equivalent to Head Start program performance standards described in section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)) or other equivalent evidence-based standards approved by the Secretary; and

(II) includes quality indicators and thresholds that are appropriate
for child development in different

types of child care provider settings,

including child care centers and the

settings of family child care providers,

and are appropriate for providers

serving different age groups (including mixed age groups) of children;

(ii) include a different set of standards that includes indicators, when appropriate, for care during nontraditional hours of operation; and

(iii) provide for sufficient resources and supports for child care providers at tiers lower than the highest tier to facilitate progression toward higher quality standards.

(C) ACHIEVING HIGH QUALITY FOR ALL CHILDREN.—Such State plan shall certify the State has implemented, or will implement within 3 years of receiving funds under this section, policies and financing practices that will ensure all families of eligible children can choose for the children to attend child care at the highest quality tier within 6 years after the date of enactment of this Act.
(D) COMPENSATION.—Such plan shall provide a certification that the State has or will have within 3 years after receiving funds under this section, a wage ladder for staff of eligible child care providers receiving assistance under this section, including a certification that wages for such staff, at a minimum, will meet the requirements of subparagraph (A)(ii)(II)(cc).

(E) SLIDING FEE SCALE FOR COPAYMENTS.—

(i) IN GENERAL.—Except as provided in clauses (ii)(I) and (iii), the State plan shall provide an assurance that the State will for the period covered by the plan use a sliding fee scale described in clause (ii) to determine a copayment for a family receiving assistance under this section (or, for a family receiving part-time care, a reduced copayment that is the proportionate amount of the full copayment).

(ii) SLIDING FEE SCALE.—A full copayment described in clause (i) shall use a sliding fee scale that provides that, for a family with a family income—
(I) of not more than 75 percent of the State median income for a family of the same size, there shall be no copayment for the family, toward the cost of the child care involved for all eligible children in the family;

(II) of more than 75 percent but not more than 100 percent of the State median income for a family of the same size, the copayment shall be more than 0 but not more than 2 percent of that family income, toward such cost for all such children;

(III) of more than 100 percent but not more than 125 percent of the State median income for a family of the same size, the copayment shall be more than 2 but not more than 4 percent of that family income, toward such cost for all such children;

(IV) of more than 125 percent but not more than 150 percent of the State median income for a family of the same size, the copayment shall be more than 4 but not more than 7 per-
cent of that family income, toward such cost for all such children; and

(V) of more than 150 percent but not more than 200 percent of the State median income for a family of the same size, the copayment shall be 7 percent of that family income, toward such cost for all such children.

(iii) SPECIAL RULES.—The State shall not require a copayment under this subparagraph for any eligible child of a family with a child that is eligible for a Head Start program under the Head Start Act (42 U.S.C. 9831 et seq.), or a child who has been identified as a member of a population listed in subsection (b)(2)(D)(v)((II). A State or another entity may pay a copayment (full or reduced) under this subparagraph on behalf of a family, but may not receive Federal reimbursement under this section for such payment.

(F) PROHIBITION ON CHARGING MORE THAN COPAYMENT.—The State plan shall certify that the State shall not permit a child care
provider receiving financial assistance under this section to charge, for child care for an eligible child, more than the total of—

(i) the financial assistance provided for the child under this section; and

(ii) any applicable copayment pursuant to subparagraph (E).

(G) ELIGIBILITY.—The State plan shall assure that each child who receives assistance under this section will be considered to meet all eligibility requirements for such assistance, and will receive such assistance, for not less than 24 months, and the child’s eligibility determination and redetermination, including any determination based on the State’s definition of eligible activities, shall be implemented in such a manner that supports child well-being and reduces barriers to enrollment, including continuity of services.

(H) POLICIES TO SUPPORT ACCESS TO CHILD CARE FOR UNDERSERVED POPULATIONS.—The State plan shall assure that the State will prioritize increasing access to, and the quality and the supply of, child care in the State for underserved populations, including at
a minimum, low-income children, children in underserved areas, infants and toddlers, children with disabilities and infants and toddlers with disabilities, children who are dual language learners, and children who receive care during nontraditional hours.

(I) POLICIES.—The State plan shall include a certification that the State will apply, under this section, the policies and procedures described in subparagraphs (A), (B), (I), (J), (K)(i), (R), and (U) of section 658E(c)(2) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(e)(2)), and the policies and procedures described in section 658H of such Act, to child care services provided under this section.

(J) LICENSING.—The State plan shall include an assurance that the State has or will develop within 3 years after receiving funds under this section, licensing standards for child care providers and a pathway to such licensure that is available to and appropriate for child care providers in a variety of settings, to ensure providers eligible under the Child Care and Development Block Grant Act of 1990 (42 U.S.C.
9857 et seq.), have a pathway to become eligible providers under this section.

(K) REPORTS.—The State plan shall include an agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of such funds received under this section, as the Secretary may require for the administration of this section.

(g) PAYMENTS.—

(1) TRANSITION PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—

(A) RESERVATIONS AND ALLOTMENTS.—

(i) IN GENERAL.—For each of fiscal years 2022 through 2024, the Secretary shall, from the amount appropriated under subsection (c)(1)(A) for each such fiscal year—

(I) reserve not less than 4 percent for Indian Tribes, Tribal organizations, and Urban Indian organizations for child care assistance;

(II) reserve not less than 0.5 of 1 percent for Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the
United States Virgin Islands for child care assistance; and

(III) from the amount so appropriated and not reserved under subclauses (I) and (II), make allotments to each State in the same manner as the Secretary makes such allotments using the formula under section 6580(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(b)).

(IV) $1,250,000,000 annually for each of the fiscal years 2023 through 2027 to carry out the program of grants to localities in subsection (i)

(ii) DEFINITION.—For purposes of this paragraph, the term “State” means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

(B) PAYMENTS.—

(i) INDIAN TRIBES, TRIBAL ORGANIZATIONS, AND URBAN INDIAN ORGANIZATIONS.—

(I) IN GENERAL.—For each of fiscal years 2022 through 2024, from
the amount reserved for Indian
Tribes, Tribal organizations, and
Urban Indian organizations under
 subparagraph (A)(i)(I), the Secretary
shall make payments to Indian Tribes,
Tribal organizations, and Urban In-
dian organizations, and the Tribes,
Tribal organizations, and Indian orga-
nizations shall be entitled to such pay-
ments, for carrying out programs or
activities consistent with the objectives
of this section.

(II) APPLICATIONS.—An Indian
Tribe, Tribal organization, or Urban
Indian organization seeking a pay-
ment under this clause shall submit
an application to the Secretary at
such time, in such manner, and con-
taining such information as the Sec-
retary may specify, including the
agreement described in subsection
(f)(4)(K).

(ii) TERRITORIES.—

(I) IN GENERAL.—For each of
fiscal years 2022 through 2024, from
the amount reserved for territories under subsection (A)(i)(II), the Sec-
retary shall make payments to the ter-
ritories specified in that paragraph, and the territories shall be entitled to such payments, for carrying out pro-
grams or activities consistent with the objectives of this section.

(II) APPLICATIONS.—A territory specified in clause (i)(II) seeking a payment under this clause shall sub-
mit an application to the Secretary at such time, in such manner, and con-
taining such information as the Sec-
retary may specify, including the agreement described in subsection (f)(4)(K).

(iii) STATES.—For each of fiscal years 2022 through 2024, each State that has an application approved under subsection (f) shall be entitled to a payment under this clause in the amount equal to its allot-
ment under subparagraph (A) for such fis-
cal year.
(C) **AUTHORITIES.**—Notwithstanding any other provision of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority to reallocate funds that were allotted under subparagraph (A) from any State without an approved application under subsection (f) by the date required by the Secretary, to States with approved applications under that subsection, to Tribes with an approved application under subparagraph (A)(ii), and to territories with an approved application under .

(2) **PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.**—

(A) **IN GENERAL.**—For each of fiscal years 2025 through 2027:

(i) **CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.**—

(I) **IN GENERAL.**—The Secretary shall pay to each State with an approved application under subsection (f), and that State shall be entitled to, an amount for each quarter equal to 90 percent of expenditures in the quarter for child care assistance for
eligible children described under subsection (h)(2)(B). The Secretary shall pay to each State with an approved application under subsection (f), and that State shall be entitled to, an amount for each quarter equal to 90 percent of expenditures in the quarter for the components of the child care entitlement program described under subsection (h)(2)(B).

(II) EXCEPTION.—Funds reserved from the amount under subsection (h)(2)(C) shall be subject to clause (ii).

(ii) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount for each quarter equal to the FMAP of expenditures in the quarter to carry out the quality and supply building activities under subsection (h)(2)(C) subject to the limit specified in clause (i) of such subsection.
(iii) ADMINISTRATION.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount for each quarter equal to 50 percent of expenditures in the quarter for the costs of administration incurred by the State—

(I) which shall include reasonable costs incurred by the State in carrying out the child care program established in this section; and

(II) which may include, at the option of the State, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act (42 U.S.C. 9858f).

(B) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.—For each of fiscal years 2025 through 2027, the Secretary may make payments under this subsection for each quarter on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary,
and shall reduce or increase the payments as
necessary to adjust for any overpayment or un-
derpayment for previous quarters.

(C) FLEXIBILITY IN SUBMITTAL OF
CLAIMS.—Nothing in this subsection shall be
construed as preventing a State from claiming
as expenditures in a quarter expenditures that
were incurred in a previous quarter and not
claimed in such previous quarter.

(D) TERRITORIES AND TRIBES.—For each
of fiscal years 2025 through 2027, the Sec-
retary shall make payments to territories, and
Indian tribes, tribal organizations, and Urban
Indian organizations, with applications sub-
mitted as described in subsection (a), and ap-
proved by the Secretary. The territories, Indian
tribes, tribal organizations, and Urban Indian
organizations shall be entitled to such payments
to carry out the activities described in section
08__(b).

(h) USE OF FUNDS.—
(1) USE OF FUNDS FOR TRANSITION YEARS.—
For each of fiscal years 2022 through 2024, a State
that receives a payment under subsection (g)(1)
shall reserve and use—
(A) 50 percent of such payment for activities to—

(i) expand access to child care assistance for eligible children (with priority for providing access for children in families with incomes less than 85 percent of the State median income); and

(ii) increase child care provider payment rates to support the cost of providing high-quality child care services, including rates sufficient to support increased wages for staff of eligible child care providers;

(B) 25 percent of such payment for activities described in subsection (b)(3); and

(C) 25 percent for activities under subparagraph (A) or activities under subparagraph (B), as determined by the State.

(2) USE OF FUNDS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.—Starting on October 1, 2024, a State shall use amounts provided to the State under subsection (g)(2) for child care services (provided on a sliding fee scale basis), activities to improve the quality and supply of child care services, and State administration.
(B) Child care assistance for eligible children.—

   (i) In general.—The State shall ensure that parents of eligible children can access child care services provided by an eligible child care provider through a grant or contract under clause (ii) or a certificate under clause (iii).

   (ii) Grants and contracts.—The State shall award grants or contracts to eligible child care providers, consistent with the requirements under this section, for the provision of child care services for eligible children that, at minimum, support providers’ operating expenses to meet and sustain health, safety, quality, and wage standards required under this section.

   (iii) Certificates.—The State shall issue a child care certificate directly to a child care provider on behalf of a parent who may use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for
by the provider, consistent with the re-
quirements under this section.

(C) ACTIVITIES TO IMPROVE THE QUALITY
AND SUPPLY OF CHILD CARE SERVICES.—

(i) QUALITY CHILD CARE ACTIVI-
TIES.—

(I) AMOUNT.—For each of fiscal
years 2025 through 2027, from the
total of the annual payments made to
the State for a particular fiscal year,
the State shall reserve and use a qual-
ity child care amount equal to not less
than 5 percent and not more than 10
percent of the amount made available
to the State through such payments
for that particular fiscal year (and
shall reserve and use a proportional
amount from each quarterly payment
made to the State for that particular
fiscal year).

(II) USE OF QUALITY CHILD
CARE AMOUNT.—Each State shall use
the quality child care amount de-
scribed in subclause (I) to implement
activities described in subparagraphs
(B) and (C) that increase the quality and supply of eligible child care providers, and the number of available slots in the State for child care services funded under this section, prioritizing assistance for child care providers who are in underserved communities and who are providing, or are seeking to provide, child care services for underserved populations identified in subsection (f)(4)(H).

(III) Administration.—Assistance provided under this subparagraph may be administered—

(aa) directly by the lead agency; or

(bb) through other State government agencies, local or regional child care resource and referral organizations, community development financial institutions, other intermediaries with experience supporting child care providers, or other appropriate entities that enter into a contract.
with the State to provide such assistance.

(ii) ACTIVITIES.—Activities funded under the quality child care amount described in clause (i) shall include each of the following:

(I) STARTUP GRANTS AND SUPPLY EXPANSION GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall make startup and supply expansion grants to support child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, with priority for providers providing or seeking to provide child care in underserved communities and for underserved populations identified in subsection (f)(4)(H), to—

(AA) support startup and expansion costs; and
(BB) assist such providers in meeting health and safety requirements and achieving licensure.

(bb) REQUIREMENT.—As a condition of receiving a startup or supply expansion grant under this subclause, a child care provider shall commit to meeting the requirements of an eligible provider under this section, and providing child care services to children receiving assistance under this section on an ongoing basis.

(II) QUALITY GRANTS.—From a portion of the quality child care amount, a State shall provide quality grants to eligible child care providers providing child care services to children receiving assistance under this section to improve the quality of such providers, including—

(aa) supporting such providers in meeting or making progress toward the requirements
for the highest tier of the State’s tiered system for measuring the quality of child care providers under subsection (f)(4)(B); and

(bb) supporting such providers in sustaining child care quality.

(III) FACILITIES GRANTS.—

(aa) IN GENERAL.—From a portion of the quality child care amount, a State shall provide support, including through awarding facilities grants, for re-modeling, renovation, or repair of a building or facility to the extent permitted under section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858).

(bb) ADDITIONAL USES.— For fiscal years 2022 through 2024, and in subsequent years with approval from the Secretary, a State may provide such facilities grants for construction, per-
manent improvement, or major renovation of a building or facility primarily used for providing child care services, in accordance with the following:

(AA) Federal interest provisions will not apply to the renovation or rebuilding of privately-owned family child care homes under this subclause.

(BB) Eligible child care providers may not use funds for buildings or facilities that are used primarily for sectarian instruction or religious worship.

(CC) The Secretary shall develop parameters on the use of funds under this subclause for family child care homes.

(DD) The Secretary shall not retain Federal interest after a period of 10
years in any facility built,
renovated, or repaired with
funds awarded under this
subclause.

(IV) ADDITIONAL ACTIVITIES TO
IMPROVE THE QUALITY OF CHILD
CARE SERVICES.—A State shall use a
portion of the quality child care
amount to improve the quality of child
care services, which shall include—

(aa) supporting the training
and professional development of
the early childhood workforce, in-
cluding supporting degree attain-
ment and credentialing for early
childhood educators;

(bb) developing, imple-
menting, or enhancing the
State’s tiered system for meas-
uring the quality of child care
providers under subsection
(f)(4)(B);

(cc) improving the supply
and quality of developmentally
appropriate child care programs
and services for underserved populations described in subsection (f)(4)(H);

(dd) improving access to child care services for children experiencing homelessness and children in foster care; and

(ee) other activities to improve the supply and quality of child care services, including activities described in paragraphs (1) through (10) of section 658G(b) of the Child Care and Development Block Grant Act of 1990 42 U.S.C. 9858e).

(V) TECHNICAL ASSISTANCE.—

From a portion of the quality child care amount, the State shall provide technical assistance to increase the supply and quality of eligible child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, including providing sup-
port to enable providers to achieve lice-

censure.

(i) **GRANTS TO LOCALITIES.**—

(1) **DEFINITION OF ELIGIBLE LOCALITY.**—In this subsection the term “eligible locality” means a city, county, or other unit of general local govern-

ment, or a Head Start grantee.

(2)(A) **IN GENERAL.**—The Secretary shall use funds reserved in subsection (g)(1)(A)(i)(IV)) to award local Birth through Five Child Care and Early Learning Grants to eligible localities located in States that have made it apparent that they will not apply for payments under subsection (f). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under subparagraph (B). The Secretary shall specify the requirements for an eligible locality to provide access to child care to eligible children, which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this sec-

(B) **ALLOCATIONS.**—For each State de-
scribed in subparagraph (A), the Secretary shall allot for the State an amount that bears the same relationship to the funds reserved under
subsection (g)(1)(A)(i)(IV) as the number of children 200 percent below the Federal poverty line in the State bears to the total of all such children in States described in subparagraph (A).

(C) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this subsection (f).

(D) PRIORITY FOR LOCALITIES SERVING UNDERSERVED POPULATIONS.—In awarding a grant under this paragraph, the Secretary, shall give priority to eligible localities seeking to serve underserved populations.

(j) PROGRAM REQUIREMENTS.—

(1) NONDISCRIMINATION.—The following provisions of law shall apply to any program or activity that receives funds provided under this section:
(A) Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).

(B) Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).


(D) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.).


(2) MAINTENANCE OF EFFORT.—To be eligible to receive a grant under this section, a State shall that receives payments under this section for a fiscal year, in using the funds made available through the payments, shall maintain child care assistance for families at levels not less than the levels provided by the State in fiscal year 2021. The Secretary shall determine the State expenditures allowable under this requirement.

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.—The Secretary shall review and monitor State compliance with this section and the plan described in subsection (f)(4) of the State.
(2) Issuance of rule.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section;

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and

(C) imposing sanctions under this subsection for such a failure.

(l) Administration.—Using funds reserved under subsection (b)(2), the Secretary shall provide technical assistance to States, territories and Indian Tribes and carry out research, evaluations, and administration related to this section.

(m) Transition provisions.—

(1) Treatment of child care and development block grant funds.—For each of fiscal years 2025, 2026, and 2027, a State receiving assistance under this section shall not use more than 10 percent of any funds received under the Child Care and Development Block Grant Act of 1990 to
provide child care assistance to children under the age of 6, who are eligible under that Act.

(2) Special rules regarding eligibility.— Any child who is less than 6 years of age, is not yet in kindergarten, and is receiving assistance under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9857 et seq.) on the date funding is first allocated to the lead agency under this section—

(A) shall be deemed immediately eligible to receive assistance under this section; and

(B) may continue to use the child care provider of the family’s choice.

(3) Transition procedures.—The Secretary is authorized to institute procedures for implementing this section, including issuing guidance for States receiving funds under subsection (g).

SEC. 23002. UNIVERSAL PRESCHOOL.

(a) Definitions.—In this section:

(1) Child experiencing homelessness.— The term “child experiencing homelessness” means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).
(2) CHILD WITH A DISABILITY.—The term “child with a disability” has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term “comprehensive services” means services that are provided to low-income children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the means of section 636 of the Head Start Act (42 U.S.C. 9831).

(4) DUAL LANGUAGE LEARNER.—The term “dual language learner” means an individual who is limited English proficient, as defined in section 637 of the Head Start Act (42 U.S.C. 9832).

(5) ELIGIBLE CHILD.—The term “eligible child” means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term “eligible provider” means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined
in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act (42 U.S.C. 9831 et seq.);

(C) a licensed center-based child care provider, licensed family child care provider, or community– or neighborhood–based network of licensed family child care providers; or

(D) a consortium of entities described in any of subparagraphs (A), (B), and (C).

(7) INDIAN TRIBE.—The term “Indian Tribe” has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

(8) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 8101 of the Elementary and Secondary Education Act of 1965.

(9) POVERTY GUIDELINES.—The term “poverty guidelines” means the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the au-
authority of section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(10) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(11) STATE.—The term “State” means each of the several States and the District of Columbia.

(12) TERRITORY.—The term “territory” means each of the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(13) TRIBAL ORGANIZATION.—The term “Tribal organization” has the meaning given the term “tribal organization” in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n).

(14) URBAN INDIAN ORGANIZATION.—The term “Urban Indian organization” has the meaning given the term in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1602).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise ap-
appropriated, such sums as may be necessary to carry out this section and provide the Federal share of the cost of universal, high-quality, free, inclusive, and mixed delivery preschool services, on a voluntary basis, to children throughout the States under this section, including providing the Federal share of the cost of State activities described in subsection (c)(4).

(2) **SECRETARIAL RESERVATIONS.**—The Secretary, in collaboration with the Secretary of Education, shall reserve, from the amount appropriated under this subsection—

(A) not less than 4 percent for payments to Indian Tribes, Tribal organizations, and Urban Indian organizations for activities described in this section;

(B) not more than $\frac{1}{2}$ of 1 percent for the territories, to be distributed among the territories on the basis of their relative need, as determined by the Secretary of Health and Human Services in accordance with the objectives of this section, for activities described in this section;

(C) $\frac{1}{2}$ of 1 percent for eligible local entities that serve children in families who are en-
gaged in migrant or seasonal agricultural labor,
for activities described in this section;

(D) for Federal activities, including admin-
istration, monitoring, technical assistance, and
research—

(i) $165,000,000 for fiscal year 2022
and $200,000,000 for fiscal year 2023;
and

(ii) for each of fiscal years 2025
through 2028, not more than 2 percent;

(E) $2,500,000,000 for each of fiscal years
2022 through 2027 to improve compensation of
Head Start staff consistent with subparagraphs
(A)(i) and (B)(viii) of section 640(a)(5) of the
Head Start Act (42 U.S.C. 9835(a)(5)), not-
withstanding section 653(a)(1) of such Act (43
U.S.C. 9848(a)(1); and

(F) $1,250,000,000 annually for each of
fiscal years 2023 through 2028 to carry out the
program of grants to localities described in sub-
section (e).

(c) Payments for State Universal Preschool
Services.—

(1) In general.—A State that has submitted,
and had approved by the Secretary, a State plan for
universal preschool services is entitled to a payment
under this subsection.

(2) PAYMENTS TO STATES.—

(A) PRE-SCHOOL SERVICES.—The Secretary shall pay to each State with an approved State plan under paragraph (6), an amount for each year equal to—

(i) 100 percent of the State’s expenditures in the year for preschool services described in subsection (d), for each of fiscal years 2022, 2023, and 2024;

(ii) 90 percent of the State’s expenditures in the year for such preschool services, for fiscal year 2025;

(iii) 80 percent of the State’s expenditures in the year for such preschool services, for fiscal year 2026;

(iv) 70 percent of the State’s expenditures in the year for such preschool services, for fiscal year 2027; and

(v) 60 percent of the State’s expenditures in the year for such preschool services, for fiscal year 2028.

(B) STATE ACTIVITIES.—The Secretary shall pay to each State with an approved State
plan under paragraph (6) an amount for a fiscal year equal to 50 percent of the amount of the State’s expenditures for the activities described in paragraph (4), except that in no case shall a payment for a fiscal year under this subparagraph exceed the amount equal to 10 percent of the State’s expenditures described in subparagraph (A) for such fiscal year.

(C) Non-Federal share.—The remainder of the cost paid by the State for preschool services, that is not provided under subparagraph (A), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under subparagraph (B), shall be considered the non-Federal share of the cost of those activities.

(3) Advance payment; retrospective adjustment.—The Secretary may make a payment under subparagraph (A) or (B) of paragraph (2) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and may reduce or increase the payment as necessary to
adjust for any overpayment or underpayment for a previous year.

(4) STATE ACTIVITIES.—A State that receives a payment under paragraph (2)(B) shall carry out all of the following activities:

(A) State administration of the State’s preschool services program described in this section.

(B) Supporting a continuous quality improvement system through the use of data, researching, monitoring, training, technical assistance, professional development, and coaching to support providers participating or seeking to participate in the State’s preschool services program and to support such providers in meeting the requirements of this section.

(C) Providing outreach and enrollment support for families of eligible children, including specific outreach to families of underserved populations.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.
(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities, including, as applicable, activities that redesign or restructure existing preschool programs, as of the date of the activity, to improve inclusive services for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating the State’s statewide needs assessment used for purposes of paragraph (6)(B)(ii).

(5) LEAD AGENCY.—The Governor of a State desiring to receive a payment under this subsection shall designate a State lead agency (such as a State agency or joint interagency office) for the administration of the universal preschool services program under this section.

(6) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan for universal, high-quality, free, inclusive, and mixed delivery preschool services
to the Secretary for approval at such time, in such
manner, and containing such information as the Sec-
retary, in collaboration with the Secretary of Edu-
cation, may require. Such plan shall include each of
the following:

(A) A certification that the State has in
place developmentally appropriate, evidence-
based preschool standards that, at a minimum
are as rigorous as the standards specified in
subparagraph (B) of section 641A(a)(1) of the
Head Start Act (42 U.S.C. 9836a(a)(1)) and
include program standards for class sizes and
ratios.

(B) A certification that the State will
prioritize the establishment and expansion of
universal, high-quality, free, inclusive, and
mixed delivery preschool services in high-need
communities, as identified by the State, includ-
ing—

(i) a description of which high-need
communities the State will prioritize for
that establishment and expansion within
and across those communities;

(ii) a description of how the State de-
termined which communities are high-need
communities, including how the State used a research-based methodology, approved by the Secretary, to identify and serve such communities, as determined by—

(I) the rate of poverty among eligible children in the community;

(II) rates of access to high-quality preschool within the community, including, as applicable, rates of disparities for underserved or vulnerable populations as identified through a periodic needs assessment conducted through the preschool development grants program under section 9212 of the Every Student Succeeds Act (42 U.S.C. 9831 note) as applicable, or through another such statewide needs assessment; and

(III) other indicators of community need as required by the Secretary; and

(iii) an assurance that the State will distribute funding for such preschool services under this section within such a high-need community so that a majority of chil-
Children in the community are offered such preschool services before the State establishes and expands free preschool services in communities with lower levels of need.

(C) As applicable, a description of how the State plans to use funding provided under this section to ensure that existing (as of the date of submission of the State plan) publicly funded preschool programs in the State meet the requirements of this section for a preschool program.

(D) A certification that the State will, in establishing and operating the program of preschool services supported under this section, support a mixed delivery preschool system, including a certification that the State will facilitate the participation in the system of Head Start programs and programs offered by other eligible providers, including providers of licensed family child care).

(E) An assurance that the State will use funding provided under this section to ensure children with disabilities have access to and participate in inclusive preschool programs consistent with provisions in the Individuals with
Disabilities Education Act, including an assurance that the State will offer inclusive programming that supports the least restrictive environment requirements in Section 619 of the Individuals with Disabilities Act for all eligible children who are children with disabilities.

(F) A certification that the State will support the continuous quality improvement of programs providing preschool services under this section, including support through technical assistance, monitoring, and research.

(G) A certification that the State will ensure a highly qualified early childhood workforce to support the requirements of this section.

(H) A description of how the State will coordinate the State’s preschool standards described in subparagraph (A) with other early learning standards within the State.

(I) A description of how the State will—

(i) coordinate services and funding provided under this section with services and funding for other Federal, State, and local child care and early childhood development programs;
(ii) at the option of an Indian Tribe or Tribal organization in the State, collaborate and coordinate services and funding with such Indian Tribe or Tribal organization;

(iii) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State;

(iv) collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs; and

(v) improve transitions of children from early childhood education to elementary school.

(J) An assurance that the State will partner with not less than 1 institution of higher education to facilitate degree attainment for staff of preschool programs.

(K) An assurance that the State will ensure all preschool services in the State funded under this section will be—
(i) (I) universally available to all children in the State without any additional eligibility requirements; and

(II) be high quality, free, and inclusive;

(ii) by not later than 1 year after receiving such funding, meet the State’s preschool education standards described in subparagraph (A);

(iii) offer programming that meets the duration requirements of at least 1,020 annual hours, in the program performance standards applicable to Head Start programs described in section 641A of the Head Start Act (42 U.S.C. 9836a);

(iv) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(I) children experiencing homelessness;

(II) children in foster care or kinship care;

(III) children in families who are engaged in migrant or seasonal agricultural labor;
(IV) children with disabilities, including children served under part C of the Individuals with Disabilities Education Act who are an eligible child under section 101(a)(3) of this Act; and

(V) dual language learners;

(v) provide salaries, and set salary schedules, for staff that are equivalent to salaries of elementary school staff with similar credentials and experience; and

(vi) require educational qualifications for teachers (excluding individuals who were employed by an eligible child care provider or early education program for a cumulative three of the last five years from the date of enactment and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State) in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by
not later than 7 years after the date of enactment of this Act. (The requirements specified in this clause shall not apply to individuals who were employed by an eligible child care provider or early education program for a cumulative 3 of the last 5 years from the date of enactment and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State.).

(L) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858e(c)(2)(T)), with respect to funding and assessments under this section.

(M) A certification that subgrant amounts described under subsection (d) are sufficient to enable the eligible provider to meet the requirements of this title, and will provide for increased staff payment amounts based on the criteria described in (K)(v) and (vi).

(N) A certification that preschool seats will be distributed equitably among child care (in-
cluding family child care), Head Start, and
schools within the State.

(7) Duration of the Plan.—Each State plan
shall remain in effect for a period of 3 years.
Amendments to the State plan shall remain in effect
for the duration of the plan.

(8) Transitional State Plan—The Secretary
shall make available a transitional State plan for a
period of one year that contains such information as
the Secretary may require, to demonstrate the State
will meet the requirements of this title and that in-
cludes—

(A) an assurance that the State will sub-
mit a State plan under paragraph (6); and

(B) a description of how the funds received
by the State under this title will be spent to ex-
pand access to universal, high-quality, free, in-
clusive, and mixed delivery preschool programs
in alignment with the requirements of this title.

(d) Subgrants and Contracts for Local Pre-
school Programs.—

(1) Subgrants and Contracts.—

(A) In general.—A State that receives a
payment under subsection (c)(2)(A) for a fiscal
year shall use amounts provided through the
payment to pay the Federal share of the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, inclusive, and mixed delivery preschool programs through the State preschool program in accordance with paragraph (2). A State shall reduce or increase the amounts provided under such subgrants or contracts if needed to adjust for any overpayment or underpayment described in subsection (c)(3).

(B) Amount.—A State shall award a subgrant or contract under this subsection in a sufficient amount to enable the eligible provider to operate a universal, high-quality, free, and inclusive preschool program that meets the requirements of subsection (c)(6)(K) and which amount shall reflect variations in the cost of preschool services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities.

(C) Duration.—The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or sus-
pended, or the subgrant period is reduced, for cause.

(2) Enhanced Payments for Comprehensive Services.—In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer preschool programs funded under this subsection to a high percentage of low-income children to support—

(A) comprehensive services, including social, emotional and other services that support child well-being;

(B) health and developmental screenings; and

(C) service referral for children and families served by the program involved.

(3) Establishing and Expanding Universal Preschool Programs.—

(A) Establishing and Expanding Universal Preschool Programs in High-Need Communities.—In awarding subgrants or contracts under this subsection, the State shall first prioritize establishing and expanding universal preschool programs within and across
high-need communities identified under sub-
section (c)(6)(B) by awarding subgrants or con-
tracts to eligible providers operating within, or
with capacity to operate within and across, such
high-need communities. Such subgrants or con-
tracts shall be used to enroll and serve children
in the preschool program, including—

(i) personnel (including classroom and
administrative personnel), including com-
pensation and benefits;

(ii) costs associated with imple-
menting the State’s preschool standards,
providing curriculum sports, and meeting
early learning and development standards;

(iii) professional development, teacher
supports, and training;

(iv) implementing developmentally ap-
propriate health and safety standards (in-
cluding licensure, where applicable), teach-
er to child ratios, and group size maxi-
mums;

(v) materials, equipment and supplies;

(vi) meeting health and safety stand-
ards, including licensure; and
(vii) rent or mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN ADDITIONAL COMMUNITIES.—Once a State that receives a payment under subsection (c)(2)(A) meets the requirements of paragraph (2) with respect to establishing and expanding preschool programs within and across high-need communities, the State shall use any remaining funds from such payment to enroll and serve children in preschool programs, as described in such paragraph, to additional communities in accordance with the statewide needs assessment used for purposes of paragraph (6)(B)(ii). Such funds shall be used for the activities described in (2)(A)(i)-(viii).

(e) GRANTS TO LOCALITIES.—

(1) DEFINITIONS.—In this subsection:

(A) ELIGIBLE LOCALITY.—The term “eligible locality” means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency.

(B) LOW-INCOME YOUNG CHILD.—The term “low-income young child” means a child who is under age 6 and from a family with a
family income that is not more than 200 percent of the poverty guidelines.

(2) In general.—The Secretary shall use funds reserved in subsection (b)(2)(F) to award local universal preschool grants to eligible localities located in States that, as of October 1, 2023, have made it apparent that they will not apply for payments under subsection (c)(2)(A). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under paragraph (3). The Secretary shall specify the requirements for an eligible locality to conduct a preschool services program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, including ensuring a free, universal, high-quality, inclusive mixed delivery preschool system.

(3) Allotments.—For each State described in paragraph (2), the Secretary shall allot for the State an amount that bears the same relationship to the funds reserved under subsection (b)(2)(F) as the number of low-income young children in the State bears to the total of all such children in States described in paragraph (2).
(4) APPLICATION.—To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this section.

(5) PRIORITY FOR LOCALITIES SERVING UNDERSERVED COMMUNITIES.—In awarding a grant under this subsection, the Secretary, in collaboration with the Secretary of Education, shall give priority to eligible localities serving high-need communities, determined in accordance with subsection (d)(2)(B).

(f) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.—For purposes of calculating the amount of the non-Federal share, as determined under subsection (c), relating to a payment under such subsection, a State’s non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten pro-
grams in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions and

(5) shall count no more than 50 percent of the State’s current spending on prekindergarten programs (as of the date of enactment of this Act) toward the State match.

(g) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.—If a State reduces its combined fiscal effort per child for the State’s preschool program (whether a publicly funded preschool program or a program under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act (42 U.S.C. 9831 et seq.), or through any State spending on preschool services for any fiscal year that a State receives payments under subparagraphs (A) and (B) of subsection (e)(2) (referred to in this paragraph as
the “reduction fiscal year”) relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in State fiscal effort for such reduction fiscal year.

(2) WAIVER.—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, including for early childhood education programs; or

(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education pro-
grams in the State will not be disproportionately harmed by such State reductions.

(h) **Supplement Not Supplant.**—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on early childhood education programs in the State.

(i) **Nondiscrimination Provisions.**—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

1. Title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.).
2. Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.).
5. Section 654 of the Head Start Act (42 U.S.C. 9849)

**Subtitle E—Child Nutrition and Related Programs**

**SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.**

(a) **Multiplier and Threshold Adjusted.**—
(1) **MULTIPLIER.**—Clause (vii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

“(vii) **MULTIPLIER.**—

“(I) **IMPLEMENTATION IN 2022–2030.**—For each school year beginning on or after July 1, 2022, and ending before July 1, 2030, the Secretary shall use a multiplier of 2.5.

“(II) **IMPLEMENTATION AFTER 2030.**—For each school year beginning on or after July 1, 2030, the Secretary shall use a multiplier of 1.6.”.

(2) **THRESHOLD.**—Clause (viii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

“(viii) **THRESHOLD.**—

“(I) **IMPLEMENTATION IN 2022–2030.**—For each school year beginning on or after July 1, 2022, and ending before July 1, 2030, the threshold shall be not more than 25 percent.
“(II) IMPLEMENTATION AFTER
2030.—For each school year beginning
on or after July 1, 2030, the thresh-
old shall be not more than 40 per-
cent.”.

(3) APPLICABILITY.—The amendments made
by this subsection shall apply to a local educational
agency with respect to a school year beginning on or
after July 1, 2022, for which such local educational
agency elects to receive special assistance payments
under subparagraph (F) of section 11(a)(1) of the
Richard B. Russell National School Lunch Act (42
U.S.C. 1759a(a)(1)).

(b) STATEWIDE COMMUNITY ELIGIBILITY.—Section
11(a)(1)(F) of the Richard B. Russell National School
Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended by
adding at the end the following:

“(xiv) STATEWIDE COMMUNITY ELIGI-
BILITY.—For each school year beginning
on or after July 1, 2022, and ending be-
fore July 1, 2030, the Secretary shall es-
ablish a statewide community eligibility
program under which, in the case of a
State agency that agrees to provide fund-
ing from sources other than Federal funds
to ensure that local educational agencies in the State receive the free reimbursement rate for 100 percent of the meals served at applicable schools—

“(I) the multiplier described in clause (vii) shall apply;

“(II) the threshold described in clause (viii) shall be applied by substituting zero for 25; and

“(III) the percentage of enrolled students who were identified students shall be calculated across all applicable schools in the State regardless of local educational agency.”.

SEC. 24002. DIRECT CERTIFICATION FOR CHILDREN RECEIVING MEDICAID BENEFITS.

(a) IN GENERAL.—Section 9 of the Richard B. Russell National School Lunch Act (42 U.S.C. 1758(b)) is amended—

(1) in subsection (b)—

(A) by amending paragraph (5) to read as follows:

“(5) DISCRETIONARY CERTIFICATION.—

“(A) FREE LUNCHES OR BREAKFASTS.—

Subject to paragraph (6), any local educational
agency may certify any child as eligible for free
lunches or breakfasts, without further applica-
tion, by directly communicating with the appro-
priate State or local agency to obtain docu-
mentation of the status of the child as—

“(i) a member of a family that is re-
ceiving assistance under the temporary as-
sistance for needy families program funded
under part A of title IV of the Social Secu-
ritv Act (42 U.S.C. 601 et seq.) that the
Secretary determines complies with stand-
ards established by the Secretary that en-
sure that the standards under the State
program are comparable to or more re-
strictive than those in effect on June 1,
1995;

“(ii) a homeless child or youth (de-
defined as 1 of the individuals described in
section 725(2) of the McKinney-Vento
Homeless Assistance Act (42 U.S.C.
11434a(2));

“(iii) served by the runaway and
homeless youth grant program established
under the Runaway and Homeless Youth
Act (42 U.S.C. 5701 et seq.);
“(iv) a migratory child (as defined in section 1309 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6399));

“(v) an eligible child (as defined in paragraph (15)(A)); or

“(vi)(I) a foster child whose care and placement is the responsibility of an agency that administers a State plan under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq.); or

“(II) a foster child who a court has placed with a caretaker household.

“(B) REDUCED PRICE LUNCHES OR BREAKFASTS.—Subject to paragraph (6), any local educational agency may certify any child who is not eligible for free school lunch or breakfast as eligible for reduced price lunches or breakfasts, without further application, by directly communicating with the appropriate State or local agency to obtain documentation of the status of the child as a child eligible for reduced price meals (as defined in paragraph (15)(A)).”;}
(B) in paragraph (6)(A), by striking “or (5)” both places it appears and inserting “(5), or (15)”; and

(C) in paragraph (15)—

(i) in subparagraph (A)—

(I) by amending clause (i) to read as follows:

“(i) ELIGIBLE CHILD.—The term ‘eligible child’ means a child—

“(I)(aa) who is eligible for and receiving medical assistance under the Medicaid program; and

“(bb) who is a member of a family with an income as measured by the Medicaid program that does not exceed 133 percent of the poverty line (as determined under the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size used
for purposes of determining eligibility for the Medicaid program;

“(II) who is eligible for the Medicaid program because such child receives supplemental security income benefits under title XVI of the Social Security Act (42 U.S.C. 1381–1385) or State supplementary benefits of the type referred to in section 1616(a) of such Act (or payments of the type described in section 212(a) of Public Law 93–66);

“(III) who is eligible for the Medicaid program because such child receives an adoption assistance payment made under section 473(a) of the Social Security Act (42 U.S.C. 673(a)) or under a similar State-funded or State-operated program, as determined by the Secretary;

“(IV) who is eligible for the Medicaid program because such child receives a kinship guardianship assistance payment made under section 473(d) of the Social Security Act (42
269

U.S.C. 673(d)) or under a similar
State-funded or State-operated pro-
gram, as determined by the Secretary,
without regard to whether such child
was previously in foster care; or

“(V) who is a member of a
household (as that term is defined in
section 245.2 of title 7, Code of Fed-
eral Regulations (or successor regula-
tions)) with a child described in sub-
clause (I), (II), (III), or (IV).”; and

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

“(iii) CHILD ELIGIBLE FOR REDUCED
PRICE MEALS.—The term ‘child eligible for
reduced price meals’ means a child—

“(I)(aa) who is eligible for and
receiving medical assistance under the
Medicaid program; and

“(bb) who is a member of a fam-
ily with an income as measured by the
Medicaid program that does exceed
133 percent but does not exceed 185
percent of the poverty line (as deter-
mined under the poverty guidelines
updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2), including any revision required by such section)) applicable to a family of the size used for purposes of determining eligibility for the Medicaid program; or

“(II) who is a member of a household (as that term is defined in section 245.2 of title 7, Code of Federal Regulations (or successor regulations)) with a child described in subclause (I).”;

(ii) by striking subparagraphs (B), (C), (D), (E), (G), and (H); (iii) in subparagraph (F)—

(I) in the enumerator, by striking “(F)” and inserting “(D)”; and

(II) by striking “conducting the demonstration project under this paragraph” and inserting “carrying out this paragraph”;

(iv) by inserting after subparagraph (A) the following:

"(B) AGREEMENTS TO CARRY OUT CERTIFICATION.—To certify a child under subparagraph (A)(v) or (B) of paragraph (5), a State agency shall enter into an agreement with 1 or more State agencies conducting eligibility determinations for the Medicaid program.

"(C) PROCEDURES.—Subject to paragraph (6), an agreement under subparagraph (B) shall establish procedures under which—

"(i) an eligible child may be certified for free lunches under this Act and free breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G)); and

"(ii) a child eligible for reduced price meals may be certified for reduced price lunches under this Act or reduced price breakfasts under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), without further application (as defined in paragraph (4)(G))."; and

(v) by adding at the end the following:
“(E) SUNSET.—The authority under this paragraph shall terminate on the last day of school year 2030–2031.”; and

(2) in subsection (d)(2)(G), by inserting “or child eligible for reduced price meals” after “eligible child”.

(b) APPLICABILITY.—The amendments made by this section shall apply with respect to the period—

(1) beginning on July 1, 2022; and

(2) ending on the last day of school year 2030–2031.

SEC. 24003. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

“SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

“(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program under which States and covered Indian Tribal organizations participating in such program shall, beginning with summer 2023 and annually for each summer before the date described in subsection (g), issue to eligible households summer EBT benefits—

“(1) in accordance with this section; and
“(2) for the purpose of providing nutrition assistance through electronic benefits transfer during the summer months for eligible children, to ensure continued access to food when school is not in session for the summer.

“(b) SUMMER EBT BENEFITS REQUIREMENTS.—

“(1) PURCHASE OPTIONS.—

“(A) BENEFITS ISSUED BY STATES.—

“(i) WIC PARTICIPATION STATES.—In the case of a State that participated in a demonstration program under section 749(g) of the Agriculture, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 2010 (Public Law 111–80; 123 Stat. 2132) during calendar year 2018 using a WIC model, summer EBT benefits issued pursuant to subsection (a) by such a State may only be used by the eligible household that receives such summer EBT benefits to purchase—

“(I) supplemental foods from retailers that have been approved for participation in—
“(aa) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

“(bb) the program under this section; or

“(II) food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2011(k))) from retail food stores that have been approved for participation in the supplemental nutrition assistance program established under such Act, in accordance with section 7(b) of such Act (7 U.S.C. 2016(b)).

“(ii) OTHER STATES.—Summer EBT benefits issued pursuant to subsection (a) by a State not described in clause (i) may only be used by the eligible household that receives such summer EBT benefits to purchase food (as defined in section 3(k) of the Food and Nutrition Act of 2008 (7 U.S.C. 2011(k))) from retail food stores
that have been approved for participation in the supplemental nutrition assistance program established under such Act, in accordance with section 7(b) of such Act (7 U.S.C. 2016(b)).

“(B) Benefits issued by covered Indian tribal organizations.—Summer EBT benefits issued pursuant to subsection (a) by a covered Indian Tribal organization may only be used by the eligible household that receives such summer EBT benefits to purchase supplemental foods from retailers that have been approved for participation in—

“(i) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

“(ii) the program under this section.

“(2) Amount.—Summer EBT benefits issued pursuant to subsection (a)—

“(A) shall be—

“(i) for calendar year 2023, in an amount equal to $75 for each child in the eligible household per month during the summer; and
“(ii) for calendar year 2024 and each year thereafter, in an amount equal to the amount described in clause (i), adjusted to the nearest lower dollar increment to reflect changes to the cost of the thrifty food plan (as defined in section 3(u) of the Food and Nutrition Act of 2008 (7 U.S.C. 2012(u)) for the 12-month period ending on November 30 of the preceding calendar year; and

“(B) may be issued—

“(i) in the form of an EBT card; or

“(ii) through electronic delivery.

“(c) ENROLLMENT IN PROGRAM.—

“(1) STATE REQUIREMENTS.—States participating in the program under this section shall—

“(A) with respect to a summer, automatically enroll eligible children in the program under this section without further application;

“(B) establish procedures to carry out the enrollment described in subparagraph (A); and

“(C) require local educational agencies to allow eligible households to opt out of participation in the program under this section and es-
establish procedures for opting out of such participation.

“(2) COVERED INDIAN TRIBAL ORGANIZATION REQUIREMENTS.—Covered Indian Tribal organizations participating in the program under this section shall, to the maximum extent practicable, meet the requirements under subparagraphs (A) through (C) of paragraph (1).

“(d) IMPLEMENTATION GRANTS.—On and after October 1, 2021, the Secretary shall carry out a program to make grants to States and covered Indian Tribal organizations to build capacity for implementing the program under this section.

“(e) ALTERNATE PLANS IN THE CASE OF CONTINUOUS SCHOOL CALENDAR.—The Secretary shall establish alternative plans for when summer EBT benefits may be issued pursuant to subsection (a) in the case of children who are under a continuous school calendar.

“(f) FUNDING.—

“(1) PROGRAM FUNDING.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2029, out of any money in the Treasury not otherwise appropriated, such sums, to remain available for the period described in paragraph (2), as may be necessary
to carry out this section, including for administrative
expenses incurred by the Secretary, States, covered
Indian Tribal organizations, and local educational
agencies.

“(2) Period described.—With respect to
each fiscal year under paragraph (1), amounts made
available for such a fiscal year under such para-
graph shall remain available for the 2-year period
following the date such amounts are made available.

“(3) Implementation grant funding.—In
addition to amounts otherwise available, including
under paragraph (1), there is appropriated for fiscal
year 2022, out of any money in the Treasury not
otherwise appropriated, $50,000,000, to remain
available until expended, to carry out subsection (d).

“(g) Sunset.—The authority under this section shall
terminate on September 30, 2029.

“(h) Definitions.—In this section:

“(1) Covered Indian Tribal organiza-
tion.—The term ‘covered Indian Tribal organiza-
tion’ means an Indian Tribal organization that par-
ticipates in the special supplemental nutrition pro-
gram for women, infants, and children under section
17 of the Child Nutrition Act of 1966 (42 U.S.C.
1786).
“(2) ELIGIBLE CHILD.—The term ‘eligible child’ means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

“(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

“(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

“(C) enrolled in a school described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1).

“(3) ELIGIBLE HOUSEHOLD.—The term ‘eligible household’ means a household that includes at least 1 eligible child.

“(4) SUPPLEMENTAL FOODS.—The term ‘supplemental foods’—

“(A) means foods—

“(i) containing nutrients determined by nutritional research to be lacking in the diets of children; and

“(ii) that promote the health of the population served by the program under
this section, as indicated by relevant nutrition science, public health concerns, and cultural eating patterns, as determined by the Secretary; and

“(B) includes foods not described in subparagraph (A) substituted by State agencies, with the approval of the Secretary, that—

“(i) provide the nutritional equivalent of foods described in such subparagraph; and

“(ii) allow for different cultural eating patterns than foods described in such subparagraph.”.

SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, to award grants to States (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d))) to make competitive subgrants to local educational agencies and schools to purchase equipment with a value of greater than $1,000 that, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C.
and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), is necessary to serve healthier meals, improve food safety, and increase scratch cooking.

(b) The Secretary may set aside up to 5 percent of the funds made available under subsection (a) for the purpose of training and technical assistance to support scratch cooking, which may be administered by States or other entities.

SEC. 24005. HEALTHY FOOD INCENTIVES DEMONSTRATION.

(a) In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $634,000,000, to remain available until expended, to provide competitive grants to States in accordance with this section.

(b) A State that receives a grant under this section shall use such grant funds to make subgrants to local educational agencies and schools for activities that support—

(1) serving healthy school meals and afterschool snacks that meet discretionary goals established by the Secretary;

(2) increasing scratch cooking;

(3) conducting experiential nutrition education activities, including school garden programs;
(4) procuring local, regional, and culturally appropriate foods and foods produced by underserved or limited resource farmers, as defined by the Secretary, to serve as part of the child nutrition programs under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751-1769j) or the Child Nutrition Act of 1966 (42 U.S.C. 1771-1793);

(5) reducing the availability of less healthy foods, as defined by the Secretary, during the school day; or

(6) carrying out additional activities to encourage the development of healthy nutrition and physical activity habits among children.

(e) A State that receives a grant under this section may use such grant funds to fund a statewide nutrition education coordinator to—

(1) support individual school food authority nutrition education efforts; and

(2) facilitate collaboration with other nutrition education efforts in the State.

(d) A State that receives a grant under this section may not use more than 5 percent of such grant funds to carry out administrative activities.
(e) In this section, the term “State” has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

Subtitle F—Human Services and Community Supports

SEC. 25001. ASSISTIVE TECHNOLOGY.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, to carry out the Assistive Technology Act of 1998 (29 U.S.C. 3001 et seq.).

SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES FUNDING.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $27,000,000, to remain available until expended, for necessary administrative expenses to carry out sections 303, 309, and 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10401-10414) and section 2204 of the American Rescue Plan Act of 2021 (Public Law 117-2).

SEC. 25003. PREGNANCY ASSISTANCE FUND.

Section 10214 of the Patient Protection and Affordable Care Act (42 U.S.C. 18204) is amended by striking the period and inserting “, and $25,000,000 for each of
fiscal years 2022 through 2024, to remain available until
expended, to carry out this part.”.

SEC. 25004. FUNDING FOR THE AGING NETWORK AND IN-
FRASTRUCTURE.

(a) APPROPRIATION.—In addition to amounts other-
wise available, there are appropriated for fiscal year 2022,
out of any money in the Treasury not otherwise appro-
riated, to the Department of Health and Human Serv-
ices—

(1) $75,000,000 for the Research, Demonstra-
tion, and Evaluation Center for the Aging Network
to carry out the activities of the Center under sec-
tion 201(g) of the Older Americans Act of 1965
(OAA) (42 U.S.C. 3011(g));

(2) $655,000,000 to carry out part B of title
III of the OAA (42 U.S.C. 3030d), including for—

(A) supportive services of the type made
available for fiscal year 2021 and authorized
under such part;

(B) investing in the aging services network
for the purposes of improving the availability of
supportive services, including investing in the
aging services network workforce;
(C) the acquisition, alteration, or renovation of facilities, including multipurpose senior centers and mobile units; and

(D) construction or modernization of facilities to serve as multipurpose senior centers;

(3) $140,000,000 to carry out part C of title III of the OAA (42 U.S.C. 3030d–21–3030g–23), including to support the modernization of infrastructure and technology, including kitchen equipment and delivery vehicles, to support the provision of congregate nutrition services and home delivered nutrition services under such part;

(4) $150,000,000 to carry out part E of title III of the OAA (42 U.S.C. 3030s–3030s-2), including section 373(e) of such part (42 U.S.C. 3030s–1(e));

(5) $50,000,000 to carry out title VI of the OAA (42 U.S.C. 3057–3057o), including part C of such title (42 U.S.C. 3057k-11);

(6) $50,000,000 to carry out the long-term care ombudsman program under title VII of the OAA (42 U.S.C. 3058–3058ff);

(7) $59,000,000 for technical assistance centers or national resource centers supported under the OAA, including all such centers that received fund-
ing under title IV of the OAA (42 U.S.C. 3031–3033a) for fiscal year 2021, in order to support technical assistance and resource development related to culturally appropriate care management and services for older individuals with the greatest social need, including racial and ethnic minority individuals;

(8) $15,000,000 for technical assistance centers or national resource centers supported under the OAA that are focused on providing services for older individuals who are underserved due to their sexual orientation or gender identity;

(9) $1,000,000 for efforts of national training and technical assistance centers supported under the OAA to—

(A) support expanding the reach of the aging services network to more effectively assist older individuals in remaining socially engaged and active;

(B) provide additional support in technical assistance and training to the aging services network to address the social isolation of older individuals;

(C) promote best practices and identify innovation in the field; and
(D) continue to support a repository for innovations designed to increase the ability of the aging services network to tailor social engagement activities to meet the needs of older individuals; and

(10) $5,000,000 to carry out section 417 of the OAA (42 U.S.C. 3032f).

Amounts appropriated by this subsection shall remain available until expended.

(b) Nonapplicability of Certain Requirements.—The non-Federal contribution requirements under sections 304(d)(1)(D) and 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(D), 3033(a)), and section 373(h)(2) of such Act (42 U.S.C. 3030s–1(h)(2)), shall not apply to—

(1) any amounts made available under this section; or

(2) any amounts made available under section 2921 of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 25005. OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

In addition to amounts otherwise available, there is appropriated to the Department of Health and Human
Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for the Office of Inspector General of the Department of Health and Human Services, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under subtitles D and F of this title.

SEC. 25006. TECHNICAL ASSISTANCE CENTER FOR SUPPORTING DIRECT CARE AND CAREGIVING.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, acting through the Administrator for the Administration for Community Living, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2026, to establish, directly or through grants, contracts, or cooperative agreements, a national technical assistance center (referred to in this section as the “Center”) to—

(1) provide technical assistance for supporting direct care workforce recruitment, education and training, retention, career advancement, and for supporting family caregivers and caregiving activities;
(2) develop and disseminate a set of replicable models or evidence-based or evidence-informed strategies or best practices for—

(A) recruitment, education and training, retention, and career advancement of direct care workers;

(B) reducing barriers to accessing direct care services; and

(C) increasing access to alternatives to direct care services, including assistive technology, that reduce reliance on such services;

(3) provide recommendations for education and training curricula for direct care workers; and

(4) provide recommendations for activities to further support paid and unpaid family caregivers, including expanding respite care.

(b) DIRECT CARE WORKER DEFINED.—The term “direct care worker” has the meaning given such term in section 22301.