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Title I—Committee on Agriculture

(1)

Subtitle A—General provisions

Section 10001. Definitions

In this title:

(1) The term "insular area" has the meaning given such term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

(2) The term "Secretary" means the Secretary of Agriculture.

Subtitle B— Forestry**Sec. 11001. National Forest System restoration and fuels reduction projects**

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

(1) \$10,000,000,000 for hazardous fuels reduction projects on National Forest System land within the wildland-urban interface;

(2) \$4,000,000,000 for, on a determination made solely by the Secretary that hazardous fuels reduction projects within the wildland-urban interface have been effectively treated to prevent the spread of wildfire to described in paragraph (1) have been planned to protect, to the extent practicable, at-risk communities, hazardous fuels reduction projects on National Forest System land outside the wildland-urban interface that are—

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

(B) collaboratively developed; and

(C) carried out in a manner that—(i) enhances the ecological integrity and achieves the restoration of a forest ecosystem; (ii) maximizes the retention of old-growth and large trees, as appropriate for the forest type; and (iii) focuses on prioritizes prescribed fire as the primary means to achieve modified wildland fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type;

(3) \$1,000,000,000 for vegetation management projects carried out solely on National Forest System land that the Secretary shall select following the receipt of

proposals submitted in accordance with subsections (a), (b), and (c) of section 4003 of the Omnibus Public Land Management Act of 2009 (16 U.S.C. 7303);

(4) ~~\$5400,000,000~~ for vegetation management projects on National Forest System land carried out in accordance with—~~(A) a water source management plan; or (B) a watershed protection and restoration action plan;~~

(5) ~~\$5400,000,000~~ for vegetation management projects on National Forest System land that—

~~(A) maintain, or contribute toward the restoration of, reference old growth characteristics, including structure, composition, function, and connectivity; according to the reference old growth conditions characteristic of the forest type; taking into account—(i) the contribution of the project to landscape fire adaptation and the ecological integrity of watershed and ecosystem health; and (ii) the goal of retaining the large trees contributing to old growth structure; (B) focus primarily on small diameter trees and prescribed fire to modify fire behavior, as measured by the projected reduction of uncharacteristically severe wildfire effects for the forest type;~~

(B) prioritize small diameter trees and prescribed fire to modify fire behavior;
and

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

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

(7) \$350,000,000 for National Forest System land management planning and monitoring, ~~with a focus on—(A) prioritized on~~ the assessment of watershed, ecological, and carbon conditions on National Forest System land; ~~and (B) the revision and amendment of older land management plans that present opportunities to protect, maintain, restore, and monitor ecological integrity, ecological conditions for at-risk species, and carbon storage;~~

(8) \$100,000,000 for maintenance of trails on National Forest System land, with a ~~focus~~priority on trails that provide to underserved communities access to National Forest System land;

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

(10) \$100,000,000 to provide for more efficient and more effective environmental reviews by the Chief of the Forest Service in satisfying the obligations of the Chief of the Forest Service under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) through—~~(A) the hiring and training of additional personnel; (B) the development of programmatic assessments or templates; (C) the procurement of technical or scientific services; (D) the development of data or technology systems; (E) stakeholder and community engagement; and (F) the purchase of new equipment through 4370m-12;~~ (i)

(i) \$50,000,000 to develop and carry out activities and tactics for the protection of older and mature forests on National Forest System land, including completing an

inventory of older and mature forests within the National Forest System;

(12) \$50,000,000 to develop and carry out activities and tactics for the maintenance and restoration of habitat conditions necessary for the protection and recovery of at-risk species on National Forest System land ~~in implementing Forest Service hazardous fuels reduction and other vegetation management programs and projects based on a science-based analysis carried out by the Secretary;~~

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

(14) \$50,000,000 to develop and carry out nonlethal activities and tactics to reduce human-wildlife conflicts on National Forest System land; ~~and (15) \$2,250,000,000 to be used for staffing, salaries, and other workforce needs to support the development of a Civilian Climate Corps for the purposes of managing National Forest System land, subject to the conditions that (A) the amounts made available under this paragraph shall be in addition to any amounts required for salaries and expenses needed to carry out projects under this subsection; and,~~

~~(b) PRIORITY FOR FUNDING.— For projects described in paragraphs (1) through (B5) members of the Civilian Climate Corps shall be compensated at not less than 200 percent of the annual Federal poverty line. (b) Priority for funding.— The Secretary shall prioritize for implementation under this section projects described in paragraphs (1) through (5) of subsection (a) of subsection (a), the Secretary shall prioritize for implementation projects—~~

(1) for which an environmental assessment or an environmental impact statement required under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq. ~~through 4370m-12~~) has been completed;

(2) that are collaboratively developed; or

(3) that include opportunities to restore sustainable recreation infrastructure or access or accomplish other recreation outcomes on National Forest System lands, if the opportunities are compatible with the primary restoration purposes of the project.

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

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

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

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

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

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

(4) inconsistent with the applicable land management plan;

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

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

(d) DEFINITIONS.— In this section:

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

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

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

(B)

(i) is transparent and nonexclusive; or

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

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

(A) reestablishing native vegetation on the road;

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

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

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

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

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

(7) VEGETATION MANAGEMENT PROJECT.— The term "vegetation management project" means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the restoration of a forest ecosystem through—(A)

the removal of vegetation; ~~(B)~~, the use of prescribed fire; ~~(C)~~, the restoration of aquatic habitat; or ~~(D)~~ the decommissioning of an unauthorized, temporary, or system road.

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

(9) WATERSHED PROTECTION AND RESTORATION ACTION PLAN.— The term "watershed protection and restoration action plan" means a plan developed under section 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6543(a)(3)).

(10) WILDLAND-URBAN INTERFACE.— The term "wildland-urban interface"—(A) in the case of the lower 48 States, means the areas mapped as the wildland-urban interface in the document entitled "The Wildland-Urban Interface of the Conterminous United States", and published by the Department of Agriculture in 2015; and (B) in the case of the States of Alaska and Hawaii, has the meaning given the term in section 401 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)—has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

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

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

Sec. 11002. Non-Federal land forest restoration and fuels reduction projects and research

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

(1) \$92,000,000,000 to award grants to ~~a~~ Tribal, State, or local government, ~~as or the government of the District of Columbia~~, regional organizations, ~~a~~ special districts, or ~~a~~ nonprofit organizations to support, on non-Federal land, forest restoration and resilience projects, including projects to reduce the risk of wildfires and establish defensible space around structures within at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(2) \$1,000,000,000 to award grants to ~~a~~ Tribal, State, or local government, ~~as or the government of the District of Columbia~~, regional organizations, ~~a~~ special districts, or ~~a~~ nonprofit organizations to implement community wildfire protection plans (as defined in section 101 of the ~~H~~Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511)) in existence on the date of the enactment of this Act, purchase firefighting

equipment, provide firefighter training, and increase the capacity for planning, coordinating, and monitoring projects on non-Federal land to protect at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(3) \$250,000,000 to award grants to ~~a~~ Tribal, State, or local government, ~~as or the government of the District of Columbia,~~ regional organizations, ~~a~~ special districts, or ~~a~~ nonprofit organizations for projects on non-Federal land to aid in the recovery and rehabilitation of burned forested areas, including reforestation;

(4) ~~\$250~~175,000,000 to award grants to ~~a~~ Tribal, State, or local government, ~~as or the government of the District of Columbia,~~ regional organizations, ~~a~~ special districts, or ~~a~~ nonprofit organizations for projects on non-Federal land to expand equitable outdoor access and promote tourism on non-Federal forested land for members of underserved groups;

(5) ~~\$2~~150,000,000 for the State Fire Assistance and Volunteer Fire Assistance programs established under the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2101 ~~et seq.~~); ~~through 2114~~ to be distributed at the discretion of the Secretary;

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

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

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

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

(10) \$500,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to provide grants to states and other eligible entities to provide payments to owners of private forest land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide measurable increases in carbon sequestration and storage ^(A) beyond customary practices on comparable land, subject to the conditions that—

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

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

~~(11) \$50,000,000 to carry out the healthy forests reserve program established under section 504 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6571); (12) \$50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for collaborative partnerships with the National Association of University Forest Resources Programs; (13) \$50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for activities and tactics to accelerate and expand existing research efforts to improve forest carbon monitoring technologies to better predict changes in forest carbon due to climate change;~~

(142) \$100,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to carry out recommendations from a panel of relevant experts convened by the Secretary that has reviewed and, based on the review, issued recommendations regarding the current priorities and future needs of the forest inventory and analysis program with respect to climate change, forest health, sustainable wood products, and increasing carbon storage in forests;

~~(153)~~ \$50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to provide enhancements to the technology managed and used by the forest inventory and analysis program, including cloud computing and remote sensing for purposes such as small area estimation;

(164) \$4,000,775,000,000 to provide grants under the wood innovation grant program under section 8643 of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program, subject to the conditions that—(A) the amount of such a grant shall be not more than \$5,000,000;—(B) notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the amount received under the grant, to be derived from non-Federal sources; and—(C) a priority shall be placed on projects that create a financial model for addressing forest restoration needs on public or private forest land; ~~(17) \$50,000,000 for the research mission area of the Forest Service to accelerate and expand existing research efforts relating to strategies to increase carbon stocks on National Forest System land; (18) \$50,000,000 for the research mission area of the Forest Service to accelerate and expand existing research efforts relating to the impacts of climate change and weather variability on national forest ecosystems; (19) \$50,000,000 for the research mission area of the Forest Service to accelerate and expand existing research efforts relating to strategies to ensure that national forest ecosystems, including forests, plants, aquatic ecosystems, and wildlife, are able to adapt to climate change and weather~~

variability; ~~(20) \$50,000,000 for the research mission area of the Forest Service to assess the quantity of carbon sequestration and storage accomplished by different forest practices when applied in diverse ecological and geographic settings; (21 and~~

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

~~(22) \$50,000,000 for the Forest Health Monitoring Program of the Forest Service for activities and tactics to reduce the spread of invasive species on non-Federal forested land; and (23) \$2,250,000,000 to be used for staffing, salaries, and other workforce needs and expenses to support the development of a Civilian Climate Corps for carrying out projects on non-Federal land through the Forest Service State and private forestry mission area and other Department of Agriculture programs, including rural and urban conservation and tree planting projects, subject to the conditions that— (A) ~~th~~b) FUNDING FOR RESTORATION ON NON-FEDERAL AREAS BY STATES.— The Secretary may use amounts made available under by this paragraph shall be in addition to any amounts required for salaries and expenses needed to carry out projects under this subsection; and (B) members of the Civilian Climate Corps shall be compensated at not less than 200 percent of the annual Federal poverty line. (b) Submission of non-Federal restoration areas by States.— (1) In general.— The Governor of a State may submit to the Secretary, in writing, a request to include with land on which a project is carried out using amounts made available by this section to carry out eligible projects as determined by the Secretary, authorized in subsection certai(a) on non-Federal land in the State. (2) Inclusions.— A written request submitted under paragraph (1) may include 1 or more maps or recommendations upon the request of the Governor of that State.~~

~~(3c) Authorization.— On approval of a written request submitted under paragraph (1), a project may be carried out using amounts made available by this section on the non-Federal land in the State that is the subject of the request. (c) Cost-sharing requirement.— (1) In general.— The grants made available under paragraphs (1) through (5) of sub COST-SHARING REQUIREMENT.— Any partnership agreements, including cooperative agreements and mutual interest agreements, using funds made available under this section (a) shall be subject to a non-Federal match cost-share requirement of not less than 20 percent of the overall project cost. (2) Waiver.— The cost-sharing requirement under paragraph (1), which may be waived; at the discretion of the Secretary, for high priority projects that— (A) have the purpose of protecting human life or critical infrastructure; and (B) are located in counties where the average median household income of the population is less than 150 percent of the poverty line.~~

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

[NOTE-- MOVED /tl/stC to /tl/stF]

(1)

Sec. 11003. State and private forestry conservation programs

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

(1) \$1,250,000,000 to provide competitive grants to ~~eligible entities~~ States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2103c) to acquire land and interests in land, with priority given to grant applications that—(A) offer significant natural carbon sequestration benefits; ~~or (B),~~ contribute to the resilience of community infrastructure, local economies, or natural systems, or provide benefits to underserved populations;

(2) ~~\$3,02,500,000,000~~ to provide multi-year, programmatic, competitive grants to a State agency, a local governmental entity, and agency or governmental entity of the District of Columbia, an Indian Tribe, or a nonprofit organization through the Urban and Community Forestry Assistance program established under section 9(c) of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2105(c)) for tree planting and related activities to increase tree equity and community tree canopy and associated societal and climate co-benefits, with a priority for projects that ~~increase tree equity~~ benefit underserved populations; and

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

(b) Priority.— ~~In providing grants under this section, the Secretary shall—~~ (1) with respect to grants under subsection (a)(2), give priority to projects that are located in— (A) a census block group in which 30 percent or more of the population lives below the poverty line; and (B) a neighborhood with lower tree canopy and higher maximum daytime summer temperatures compared to surrounding neighborhoods, as determined by the Secretary, based on publicly available information; (2) with respect to grants under paragraphs (1) and (2) of subsection (a), give priority to grant applications from underserved populations; and (3) set aside not less than 10 percent of the amounts made available under each of paragraphs (1) and (2) of subsection (a) to provide grants under each of those paragraphs to individuals who are members of underserved populations WAIVER.— Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

[NOTE-- MOVED /t/stC/s12001 to /t/stC/p1/s12001]

Sec. 11004. Limitation

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

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

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

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

Sec. 1210025. Additional support for USDA rural water program appropriations

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), \$43,200,000,000; to remain available until September 30, 2031, for the cost of grants for rural water and waste water programs authorized by sections 306, 306C, and 306D and described in sections 306C(a)(2) and 306D of the Consolidated Farm and Rural Development Act in — (1) persistent poverty counties or, notwithstanding any population limits specified in the Consolidated Farm and Rural Development Act, a county seat of a persistent poverty county with a population that does not exceed the authorized population limit by more than 40 percent; and (2) insular areas administrative costs of the agencies and offices of the Department of Agriculture for costs related to implementing this subtitle.

[NOTE-- MOVED /t/stC/s12003 to /tV/s50004]

**Subtitle C— Rural development and agricultural credit
and outreach**

Part 1— Rural development

Part 2— Agricultural credit and outreach

Sec. 12001. Additional support for the USDA Business and Industry Loan Rural water programs

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), \$497,000,000, to remain available until September 30, 2031, for the cost of direct loans and loan guarantees for the rural business development programs authorized under grants for rural water and waste water programs authorized by sections 306, 306C, and 306D and described in sections 306C(a)(2) and 306D of the Consolidated Farm and Rural Development Act in persistent poverty counties (or, notwithstanding any population limits specified in section 340B43 of the Consolidated Farm and Rural Development Act, and county seat of a persistent poverty county with a population that does described in subsections (a) and (g) of section 340B of the Consolidated Farm and Rural Development Act, not exceed the authorized population limit by more than 10 percent), Tribal lands, colonias, and insular areas, subject to the condition that the

performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Development Investment Act of 2002 (7 U.S.C. 1932(a) and (g) 8103(f)).

[NOTE-- MOVED /tl/stC/s12002 to /tl/stB/s11005]

Sec. 12002. USDA rural water grants for lead remediation

In addition to amounts otherwise made available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated and notwithstanding sections 381E through 381H and 381N of the Consolidated Farm and Rural Development Act (7 U.S.C. 2009d through 2009g and 2009m), \$970,000,000, to remain available until September 30, 2031, notwithstanding section 306C(a)(2)(A) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(a)(2)(A)), for grants under sections 306C(a)(1)(A) and 306(a)(2) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1926c(a)(1)(A) and 1926(a)(2)) for the purpose of replacement of service lines that contain lead, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

Sec. 12003. Additional funding for electric loans for renewable energy.

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,880,000,000, to remain available until September 30, 2031, for making loans under section 317 of the Rural Electrification Act of 1936 (7 U.S.C. 940g), including for projects that store electricity that supports the types of eligible projects under such section, which shall be forgiven in whole or in part based on how the borrower and the project meets the terms and conditions for loan forgiveness consistent with the purposes of such section established by the Secretary, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).

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

[NOTE-- MOVED /tl/stC/s12004 to /tl/stC/p1/s12004]

[NOTE-- MOVED /tl/stC/s12005 to /tl/stC/p1/s12005]

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[NOTE-- MOVED /tl/stC/s12008 to /tl/stC/p1/s12008]

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Sec. 12004. Rural energy savings program

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$200,000,000, to remain available until September 30, 2031, to carry out ~~this section 6407 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a) and this section, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of such Act (7 U.S.C. 8103(f)).~~

(b) USE OF FUNDS.—

(1) IN GENERAL.— Except as provided in paragraph (2) of this subsection, at the election of an eligible entity ~~(as defined in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b)))~~ to which a loan is made under section 6407(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(c)), the Secretary shall make a grant to the eligible entity in an amount equal to not more than 5 percent of the loan amount for the purposes of costs incurred in—

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

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

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

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

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

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

(c) ~~DEFINITIONS.~~ LIMITATIONS.— ~~In this section: (1) Eligible entity.— The term "eligible entity" has the meaning given the term in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b)). (2) Qualified consumer.— The term "qualified consumer" has the meaning given the term in section 6407(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(b)).~~ The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031, or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

Sec. 12005. Rural Energy for America Program

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under the Rural Energy for America Program established under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107) — ~~(1) \$811,750,000 for fiscal year 2022, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031; and and subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act, and notwithstanding section 9007(c)(3)(A) of such Act, the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds—~~

~~(21) \$272,00820,250,000 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031; and for which the~~

~~(2) \$170,000,000 for each of fiscal years 2023 through 2027, to re-may be no outlays after in available until September 30, 2031.~~

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.— In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and ~~other financial assistance~~ loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) of this section relating to underutilized renewable energy technologies, and to provide technical assistance for applying to such program; (as determined by the Secretary), subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act and, notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a) of this section—

~~(1) \$143,24,750,000 for fiscal year 2022, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031; and~~

~~(2) \$4830,000,000 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031, and for which there may be no outlays after September 30, 2031. (e) Non-federal share.— Notwithstanding section 9007(c)(3)(A) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107(c)(3)(A)), the amount of a grant provided using amounts made available by,~~

~~(c) LIMITATION.— The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2031 or any grant agreement pursuant to this section shall not exceed 50 percent of the cost of the activity carried out using the grant funds that could result in any outlays after September 30, 2031.~~

(l)

Sec. 12006. Biofuel infrastructure and agriculture product market expansion

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

(b) USE OF FUNDS.— The Secretary shall use the amounts made available by subsection (a) to provide grants, ~~on a competitive basis, to eligible entities described in subsection (c)~~ (1) ~~to install, retrofit, or otherwise upgrade fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location to ensure the environmentally safe availability of fuel containing ethanol blends at levels greater than 10 percent (as determined for which the Federal share shall be not more than 75 percent of the total cost of carrying out a project for which the grant is provided, on a competitive basis, to transportation fueling facilities and distribution facilities, including fueling stations, convenience stores, hypermarket retailer fueling stations, fleet facilities, as well as fuel terminal operations, mid-stream partners, and heating oil distribution facilities or equivalent entities, subject to the condition that the performance of any construction work completed with amounts provided under this section shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)).~~—

(1) to install, retrofit, or otherwise upgrade fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuels blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required byin the Secretary) ~~or fuel containing biodiesel blends at levels greater than 20 percent (Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2020, published in volume 85 of the Federal Register (85 Fed. Reg. 26656), as determined by the Secretary); and~~

(2) to build and retrofit distribution systems for ethanol blends, traditional and pipeline biodiesel terminal operations (including rail lines), and home heating oil distribution centers or equivalent entities—

(A) to blend biodiesel; and

(B) to carry ethanol and biodiesel.

~~(c) Eligible entities.— Entities eligible to receive a grant under this section are transportation fueling facilities and distribution facilities, including fueling stations, convenience stores, hypermarket retailer fueling stations, fleet facilities, as well as fuel terminal operations, midstream partners, and heating oil distribution facilities or equivalent entities.~~

~~(d) Federal share.— The Federal share of the total cost of carrying out a project for which a grant is provided under this section shall be not more than 75 percent.~~ (e) LIMITATION.— The Secretary may not limit the amount of funding an eligible entity may receive under this section.

~~Sec. 12007. Clean energy repowering for rural utility~~ ⁽¹⁾ USDA assistance for rural electric cooperatives

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$9,700,000,000, to remain available until September 30, 2031, ~~to for the long-term resiliency, reliability, and affordability of rural electric systems, by providing~~ to an eligible entity (defined as an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or serving a predominantly rural area), assistance under paragraphs (1) and (2) by ~~prioritiz~~awarding such assistance to eligible entities for purposes described in section 310B(a)(2)(C) of the Consolidated Farm and Rural Development Act (provided that the term renewable energy system in that paragraph has the meaning given such term in section 9001(16) of the Farm Security and Rural Investment Act of 2002) that will achieve the greatest reduction in greenhouse gas emissions associated with rural electric systems using such assistance and that will otherwise aid disadvantaged rural communities (as determined by the Secretary) ~~when—~~ (1) ~~making grants and loans (including the cost of loans and modifications thereof as defin~~, subject to the condition that any construction work completed with amounts provided under this section shall meet the condition described in section 5029003(f) of the Congressional Budget Act of 1974 Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)), when—

(1) making grants and loans (including the cost of loans and modifications thereof) to purchase renewable energy or renewable energy systems (as defined in section 9001(15) and (16) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8101(15) and (16))), deploy renewable energy systems, or make energy efficiency improvements after the date of enactment of this Act; and

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

(A) ~~facilities with high greenhouse gas emissions~~operating on nonrenewable energy; and

(B) related transmission assets.

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

(c) ~~Definition of eligible entity.— In this section, the term "eligible entity" means— (1) an electric cooperative described in section 501(c)(12) or 1381(a)(2) of the Internal Revenue Code of 1986; and (2) an entity primarily owned or controlled by 1 or more entities described in paragraph (1)~~PROHIBITION.— Nothing in this section shall be interpreted to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

(1)

Sec. 12005. Rural partnership program

(a) RURAL PROSPERITY DEVELOPMENT GRANTS.—

(1) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$3,500,873,000,000~~, to remain available until September 30, 2031, to ~~carry out this subsection to~~ provide grants to support rural development under this subsection, subject to the condition that the recipient of a grant under this subsection shall contribute a non-Federal match of 25 percent of the amount of the grant, which may be satisfied through an in-kind contribution, except that the Secretary may waive such matching requirement on a finding that the recipient of the applicable grant is economically distressed.

(2) ALLOCATION OF FUNDS.—

(A) FORMULA.— The Secretary shall establish a formula pursuant to which the Secretary shall allocate, for each State and for Indian Tribes, an amount to be provided under this subsection to eligible applicants described in paragraph (3).

(B) REQUIREMENTS.—

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

(ii) ~~Priority~~AWARD.— In awarding grants under this subsection to eligible applicants in each State and eligible applicants of Indian Tribes, the Secretary shall give priority to eligible applicants representing a micropolitan statistical area (as defined by the Office of Management and Budget) ~~and 4 or more rural areas contiguous to that micropolitan statistical area~~ in OMB Bulletin No. 20-01 (effective March 2020) and any subsequent updates) and 1 or more rural areas contiguous to that micropolitan statistical area or eligible applicants representing high poverty areas (as determined by the Secretary) provided that the Secretary may award additional grants or funding under this subsection to implement activities pursuant to a rural development plan upon the Secretary's approval of the recipient's plan and report on the use of each grant provided to the recipient under this subsection.

(3) ELIGIBLE APPLICANTS.— The Secretary may make a grant under this subsection to a partnership no member of which has received a grant under subsection (b) and that—

(A) is composed of—~~(i)~~ entities representing a region composed of 1 or more rural areas, including—

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

~~(aa)~~ a unit of local government;

~~(bb)~~ a Tribal government; or

~~(ee)(iii)~~ an authority, agency, or instrumentality of an entity described in item ~~(a)~~ subclauses (l) or (bb)(i); and

~~(H) a nonprofit or for-profit organization, including a public benefit corporation, an economic development organization, a community or labor organization, an institution of higher education, a community development financial institution, a philanthropic organization, an instrumentality of a State agency relevant to community and rural development, a cooperative extension, an institution in the Farm Credit System, and a local food policy council; and (ii) such other entities as the Secretary or the partnership may determine to be appropriate~~ i) a qualified nonprofit or for-profit organization, as determined by the Secretary;

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

(C) demonstrates, as determined by the Secretary, cooperation among the members of the partnership necessary to complete comprehensive, ~~asset-based~~ rural development, ~~to align Federal, State, regional, and Tribal~~ through aligning government investment, while leveraging nongovernmental resources, ~~to building~~ economic resilience, and ~~aiding~~ economic recovery, including in communities impacted by economic transitions and climate change.

(4) ELIGIBLE ACTIVITIES.— The use of grant funds provided under this subsection may be used for the following purposes, provided that, where applicable, the performance of any construction work completed with the grant funds shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f)):

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

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

(C) Implementing planned rural development activities and projects.

~~(5) Terms and conditions.— (A) In general.— The recipient of a grant under this subsection may not receive an additional grant under this subsection or funding to implement activities pursuant to a rural development plan unless the recipient provides to the Secretary an annual plan and report, which the Secretary has approved, on the use of each grant provided to the recipient under this subsection. (B) Limitation.— Not more than 25 percent of amounts received by a recipient of a grant under this subsection may be used to satisfy a Federal matching requirement of any other program. (6) Matching requirement.— (A) In general.— Subject to subparagraph (B), the recipient of a grant under this subsection shall contribute a non-Federal match of 25 percent of the amount of the grant, which may be satisfied through an in-kind contribution. (B) Waiver.— The ^(l)Secretary may waive any portion of the matching requirement described in subparagraph (A) on a finding that the recipient of the~~

~~applicable grant is economically distressed~~LIMITATION.— Not more than 25 percent of amounts received by a recipient of a grant under this subsection may be used to satisfy a Federal matching requirement.

(b) RURAL PROSPERITY INNOVATION GRANTS.—~~(1) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$37997,000,000, to remain available until September 30, 2031, to carry out this subsection.~~ (2) Eligible applicants.—~~The Secretary may make a grant under this subsection to an~~provide grants to entities that have not received a grant under subsection (a) and that—~~(A) serves rural areas; and (B) is a qualified nonprofit corporation or an institution of higher education.~~ (3) Eligible activities.—~~A grant provided under this subsection~~that serves rural areas (as determined by the Secretary) or an institution of higher education that serves rural areas (as determined by the Secretary), subject to the condition that the recipient of such grant shall contribute a non-Federal match of 20 percent of the amount of the grant, which may be used—

~~(A1) to support activities of the recipient relating to—~~

~~(iA) development and predevelopment planning aspects of rural development; and~~

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

~~(B2) to support the recipient of a grant under subsection (a) in carrying out activities for which that grant was provided.~~ (4) Matching requirement.—~~The recipient of a grant under this subsection shall contribute a non-Federal match of 20 percent of the amount of the grant.~~

(c) DEFINITIONS.— In this section:

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

(2) STATE.— The term "State" means—~~(A) the 50 States of the United States; (B) the District of Columbia; and (C) the insular areas~~has the meaning given the term in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103).

Sec. 12009. Additional USDA rural development administrative funds

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5453,000,000, to remain available until September 30, 2031, for administrative costs and salaries and expenses for the Rural Development mission area and ~~for research, data collection, and other associated costs for section 12008~~expenses of the agencies and offices of the Department for costs related to implementing this part.

Sec. 12101. Assistance for certain farm loan borrowers

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

"Sec. 1005. Assistance for certain farm loan borrowers

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

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

"(2) \$1,020,000,000 to provide payments or loan modifications or otherwise carry out the authorities under section 331(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)), using a centralized process administered from the national office, for Farm Service Agency direct loan and loan guarantee borrowers, focusing on borrowers who are at risk (as determined by the Secretary of Agriculture using factors that may include whether the borrower is a limited resource farmer or rancher, the amount of payments received by the borrower during calendar years 2020 and 2021 under the Coronavirus Food Assistance Program of the Department of Agriculture, and other factors, as determined by the Secretary).

"(b) PAYMENTS.—

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

"(2) OTHER PAYMENTS.—

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

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

"(ii) \$150,000.

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

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

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

"(c) DEFINITIONS.— In this section:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(2) ELIGIBLE FARM DEBT.—

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

"(B) AMOUNT.— The amount of eligible farm debt with respect to a borrower shall be equal to the amount of eligible farm debt outstanding as of a date determined by the Secretary, but no sooner than the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con Res. 14', plus the total of all loan payments on eligible farm debt made by the borrower in calendar year 2021.

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

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

Sec. 12102. USDA assistance and support for underserved farmers, ranchers, and foresters

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

"Sec. 1006. USDA assistance and support for underserved farmers, ranchers, foresters

"(a) TECHNICAL AND OTHER ASSISTANCE.— In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, \$200,000,000 to provide outreach, mediation, financial training, capacity building training, cooperative development and agricultural credit training and support, and other technical assistance on issues concerning food, agriculture, agricultural credit, agricultural extension, rural development, or nutrition to underserved farmers, ranchers, or forest landowners, including veterans, limited resource producers, beginning farmers and ranchers, and farmers, ranchers, and forest landowners living in high poverty areas.

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

"(c) EQUITY COMMISSIONS.— In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, \$10,000,000 to fund the activities of one or more equity commissions that will address racial equity issues within the Department of Agriculture and the programs of the Department of Agriculture.

"(d) RESEARCH, EDUCATION, AND EXTENSION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, \$189,000,000 to support and supplement agricultural research, education, and extension, as well as scholarships and programs that provide internships and pathways to agricultural sector or Federal employment, at 1890 Institutions (as defined in

section 2 of the Agricultural, Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7601)), 1994 Institutions (as defined in section 532 of the Equity in Educational Land-Grant Status Act of 1994 (7 U.S.C. 301 note; Public Law 103-382)), Alaska Native serving institutions and Native Hawaiian serving institutions eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156), Hispanic-serving institutions eligible to receive grants under section 1455 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3241), and the insular area institutions of higher education located in the territories of the United States, as referred to in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361).

"(e) DISCRIMINATION FINANCIAL ASSISTANCE.— In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, \$750,000,000 for a program to provide financial assistance to farmers, ranchers, or forest landowners determined to have experienced discrimination prior to January 1, 2021, in Department of Agriculture farm lending programs, under which the amount of financial assistance provided to a recipient may be not more than \$500,000 as appropriate in relation to any consequences experienced from the discrimination, which program shall be administered through 1 or more qualified nongovernmental entities selected by the Secretary subject to standards set and enforced by the Secretary, subject to the condition that any selected entity administering the program shall return the funds to the Secretary on the request of the Secretary if the standards are not adequately carried out or the administration of the program is not otherwise sufficient or if any funds provided to the selected entity are not distributed on the date that is 5 years after the date of enactment of the Act entitled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', and any such returned funds shall be available for obligation for any activity authorized under this section, except subsections (c) and (f).

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

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

"(1) enter into any agreement—

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

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

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

Subtitle D— Research and Urban Agriculture

Sec. 13001. Department of Agriculture research funding

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

(1) to the ~~Agricultural Research Service, \$250,000,000 for fiscal year 2022, to carry out agricultural research relating to climate change, including through climate hubs, long-term agroecosystem research, nutrient uses and outcomes, soil carbon data collection, and other related agricultural climate science;~~ (2) to the ~~Economic Research Service, \$45,000,000 for fiscal year 2022, to carry out economic analysis and economic agricultural research relating to climate change;~~ (3) to the ~~Office of the Chief Economist, \$3,200,000 for each of fiscal years 2022 through 2026, to carry out economic analysis and economic agricultural research relating to climate change and environmental services markets;~~ (4) to the ~~National Agricultural Statistics Service—~~ (A) ~~\$40,000,000 for fiscal year 2022, to carry out data collection and agricultural research relating to climate change;~~ and (B) ~~\$14~~National Agricultural Statistics Service, \$5,000,000 for fiscal year 2022, for measurements, a survey, and data collection to conduct the study required under section 7212(b) of the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 4812), which shall be completed not later than December 31, 2022;

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

(A) to ~~carry out~~fund agricultural education, extension, and research relating to climate change—

(i) through the Agriculture and Food Research Initiative established by subsection (b) of the Competitive, Special, and Facilities Research Grant Act (7 U.S.C. 3157(b))—(i) ~~\$25,000,000 for each of fiscal years 2022 and 2023; and (ii) \$45, \$210,000,000 for each of fiscal years 2024 through 2026;~~

(ii) through the sustainable agriculture research education program established under sections 1619, 1621, 1622, 1628, and 1629 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5801, 5811, 5812, 5831, 5832)—(i) ~~\$25,000,000 for each of fiscal years 2022 and 2023; and (ii) \$150,000,000 for each of fiscal years 2024 through 2026;~~ (iii) through the ~~crop protection pest management competitive grant program authorized under section 406 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7626), \$30,000,000 for fiscal year 2022;~~ (iv) through the ~~Agricultural Genome to Phenome Initiative established under section 1671 of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5924), \$20,000,000 for fiscal year 2022;~~ (v) ~~\$120,000,000 for fiscal year 2022;~~ (f)

~~(iii) through the organic agriculture research and extension initiative established under section 1672B of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925b)—(i) \$15,000,000 for fiscal year 2022; (ii) \$5,000,000 for fiscal year 2023; and (iii), \$60,000,000 for each of fiscal years 2024 through 2026;~~

~~(vi) through the urban, indoor, and other emerging agricultural production research, education, and extension initiative established under section 1672E of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925g), \$65,000,000 for fiscal year 2022;~~

~~(vii) through the centers of excellence led by 1890 Institutions established under section 1673(d) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5926(d)), \$45,000,000 for fiscal year 2022;~~

~~(viii) through the specialty crop research and extension initiative established by section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632)—(i) \$10,000,000 for each of fiscal years 2022 and 2023; and (ii), \$60,000,000 for each of fiscal years 2024 through 2026; (ix);~~

~~(vii) through the cooperative extension under the Smith-Lever Act (7 U.S.C. 341 et seq.) for technical assistance, technology adoption, and other through 349 for agricultural extension activities and research relating to climate change—(i) \$60,000,000 for each of fiscal years 2022 and 2023; and (ii) \$46, technical assistance, and technology adoption, \$80,000,000 for each of fiscal years 2024 through 2026; (x);~~

~~(viii) through the cooperative extension at 1994 Institutions in accordance with section 3(b)(3) of the Smith-Lever Act (7 U.S.C. 343(b)(3)), \$835,000,000 for each of fiscal years 2022 through 2026; and~~

~~(ix) through the cooperative extension at 1890 Institutions under section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3221), \$25,240,000,000 for each of fiscal years 2022 through 2026; (B) \$2,664,500,000 for fiscal year 2022, for grants for construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, including related building costs associated with compliance with applicable Federal and State law, under section 4 of the Research Facilities Act (7 U.S.C. 390b), subject to the condition that, notwithstanding section 3(e)(2)(A) of that Act (7 U.S.C. 390a(e)(2)(A)), the recipient of a grant provided using those amounts shall not be required to provide any non-Federal share of total funding provided under this subparagraph; (C) \$985,5;~~

~~(B) \$1,000,000,000 for fiscal year 2022, for grants to covered institutions for construction, alteration, acquisition, modernization, renovation, or remodeling of agricultural research facilities, including related building costs associated with compliance with applicable Federal and State law, under section 4 of the~~

Research Facilities Act (7 U.S.C. 390b), subject to the condition that notwithstanding section 3(c)(2)(A) of that Act (7 U.S.C. 390a(c)(2)(A)), the recipient of a grant provided using those amounts shall not be required to provide any non-Federal share of total funding provided under this subparagraph;

~~(D) \$100,000,000 for fiscal year 2022, for research equipment grants under section 1462A of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310a); (E) for the scholarships for students at 1890 Institutions grant program under section 1446 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3222a)—(i) \$10,000,000 for each of fiscal years 2022 and 2023; (ii) \$5, \$100,000,000 for each of fiscal years 2024 and 2025; and (iii) \$70,000,000 for fiscal year 2026; (F;~~

~~(D) \$105,000,000 for each of fiscal years 2022 through 2026, for grants to land-grant colleges and universities to support Tribal students under section 1450 of that Act (7 U.S.C. 3222e) and for purposes of this subparagraph, section 1450(b)(4) of such Act shall not apply; and~~

~~(E) \$105,000,000 for each of fiscal years 2022 through 2026, for the Higher Education Multicultural Scholars Program carried out pursuant to section 1417 of that Act (7 U.S.C. 3152);~~

~~(6) to the Office of the Chief Scientist, to carry out advanced research and development relating to climate through the Agriculture Advanced Research and Development Authority under section 1473H of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3319k)—(A) \$10,000,000 for each of fiscal years 2022 and 2023; and (B) \$12, \$30,000,000 for each of fiscal years 2024 through 2026;~~

~~(7) to the Foundation for Food and Agriculture Research, to carry out activities relating to climate change in accordance with section 7601 of the Agricultural Act of 2014 (7 U.S.C. 5939), to be considered as provided pursuant to subsection (g)(1)(A) of that section, and subject to the condition that the Foundation shall not secure funds from any institution of higher education (as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001)) to fulfill the matching funds requirement under section 7601(g)(1)(B)(i) of the Agricultural Act of 2014 (7 U.S.C. 5939(g)(1)(B)(i))—(A) \$45,000,000 for each of fiscal years 2022 and 2023; and (B) \$15 such section, \$210,000,000 for each of fiscal years 2024 through 2026; (8) for biomass research, \$5,000,000 for fiscal year 2022, to carry out agriculture climate research on biomass, including pyrolysis and biochar, and related activities in accordance with section 9008 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8108); and (9);~~

~~(5) to the Office of Urban Agriculture and Innovative Production, \$6210,000,000 for each of fiscal years 2022 and 2023, to carry out activities in accordance with section 222 of the Department of Agriculture Reorganization Act of 1994 (7 U.S.C. 6923).~~

~~(I)~~

~~(b) Covered institution defined.— In this section, DEFINITIONS.— In this section:~~

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

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

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

(3C) an Alaska Native serving institution or Native Hawaiian serving institution eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3156);

(4D) Hispanic-serving agricultural colleges and universities and Hispanic-serving institutions (as those terms are defined in section 1404 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3103));

(5E) an eligible institution (as defined in section 1489 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361) (relating to institutions of higher education in insular areas)); and

(6E) the University of the District of Columbia established pursuant to the Act of July 2, 1862 (commonly known as the "First Morrill Act") (7 U.S.C. 301 et seq. through 309).

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

Sec. 13002. Limitation

The funds made available under this subtitle are subject to the condition that the Secretary shall not—

(1) enter into any agreement—

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

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

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

Subtitle E—Miscellaneous

Sec. 14001. Additional Support for USDA Office of the Inspector General

In addition to amounts otherwise ~~made~~ available, there is appropriated to the Office of the Inspector General of the Department of Agriculture for fiscal year 2022, out of any

money in the Treasury not otherwise appropriated, \$5,000,000 to remain available until September 30, 2031, for audits, investigations, and other oversight activities of projects and activities carried out with funds made available to the Department of Agriculture under this title.

Sec. 14002. Additional support for Farmworker and Food Worker Relief Grant Program

In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022 to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, \$200,000,000 to provide additional funds to the Secretary for the Farmworker and Food Worker Relief Grant Program of the Agricultural Marketing Service to provide additional COVID-19 assistance relief payments for frontline grocery workers.

Subtitle GF—Rural development and energy Conservation

Sec. 15001. Soil conservation assistance

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

(1) enter into any agreement—

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

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

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

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

(b) AVAILABILITY OF PAYMENTS TO PRODUCERS.—

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

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

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

(c) AVAILABILITY OF PAYMENTS TO FARM OWNERS.—

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

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

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

(d) AVAILABILITY OF PAYMENTS FOR PREVENTED PLANTING.—

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

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

(A) shall have—

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

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

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

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

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

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

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

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

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

(B) the difference between—

(i) 100 percent of the prevented planting guarantee, calculated without regard to the establishment of the cover crop practices pursuant to subsection (b), applicable for the insurance policy purchased by the producer under section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508a), as determined by the Secretary; and

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

[NOTE-- MOVED /t/III/stD/p6/s30462 to /t/III/stD/p5/s30452]

Sec. 15002. Additional agricultural conservation investments

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

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

(A)

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

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

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

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

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

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

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

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

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

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

(iii) the funds shall be available for 1 or more agricultural conservation practices or enhancements that the Secretary determines directly improve soil carbon or reduce nitrogen losses or greenhouse gas emissions, or capture or sequester greenhouse gas emissions, associated with agricultural production; and

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

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

(A)

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

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

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

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

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

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

(i) the funds shall only be available for—

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

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

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

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

(A)

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

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

- (iii) \$300,000,000 for fiscal year 2024;
- (iv) \$500,000,000 for fiscal year 2025; and
- (v) \$600,000,000 for fiscal year 2026; and

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

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

(A)

- (i) \$200,000,000 for fiscal year 2022;
- (ii) \$500,000,000 for fiscal year 2023;
- (iii) \$1,500,000,000 for fiscal year 2024;
- (iv) \$2,250,000,000 for fiscal year 2025; and
- (v) \$3,050,000,000 for fiscal year 2026; and

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

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

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

(iii) may prioritize projects that—

(I) leverage corporate supply chain sustainability commitments; or

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

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

(1) enter into any agreement—

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

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

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

(c) CONFORMING AMENDMENTS.—

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

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

(B) in subsection (f)(2)(B)—

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

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

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

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

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

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

(A) in subsection (a)—

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

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

(iii) in paragraph (2)(E), by striking "2023" and inserting "2031"; and

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

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

(C) in subsection (h)—

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

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

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

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

Sec. 30463. Organized wholesale electricity market15003. Conservation technical assistance grants****

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

otherwise appropriated, ~~—\$100,000,000—~~ to remain available until ~~fiscal year 2031~~ ~~(except September 30, 2031 (subject to the condition~~ that no such funds shall may be disbursed after September 30, 2031); for ~~purposes of providing technical assistance and grants under subsection (b).~~ (b) ~~Technical assistance and grants.—~~ The Secretary shall use amounts made available under subsection (a) to ~~—~~ (1) provide grants to States to pay for ~~—~~ (A) technical assistance for any of the activities described in subsection (c); or (B) the procurement of data or technology systems related to any of the activities described in subsection (c) ~~—~~

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

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

~~(23) provide technical assistance for the activities described in subsection (c).~~ (c) ~~Activities.—~~ The activities described in this subsection are ~~—~~ (1) forming, expanding, or improving an organized wholesale electricity market, including with respect to ~~—~~ (A) market governance assistance; (B) planning and policy assistance; and (C) regulatory development assistance; (2) aligning the policies of an organized wholesale electricity market with relevant State policies; and (3) evaluating the economic, operational, reliability, environmental, and other benefits of organized wholesale electricity markets. \$600,000,000 to carry out a carbon sequestration and greenhouse gas emissions quantification program through which the Natural Resources Conservation Service, including through technical service providers and other partners, shall collect field-based data to assess the carbon sequestration and greenhouse gas emissions reduction outcomes associated with activities carried out pursuant to this section and use the data to monitor and track greenhouse gas emissions and carbon sequestration trends through the Greenhouse Gas Inventory and Assessment Program of the Department of Agriculture.

(d) ~~Applica~~ CONDITIONS.— (1) ~~In general.—~~ To apply for technical assistance or a grant provided The funds made available under this section; a State shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require. (2) ~~Grants.—~~ An application for a grant submitted under paragraph re subject to the conditions that the Secretary shall not—

(1) enter into any agreement—

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

(4B) shall certify how the State will use the grant in accordance with subsection (b): under which any payment could be outlaid or funds disbursed after September 30, 2031;

~~(2) Priority.—~~ In evaluating ~~(1)~~ applications submitted under subsection (c), the Secretary shall give priority to appuse any other funds available to the Secretary to

satisfy obligations that are submitted by more than one State:initially made under this section; or

~~(f3) Definitions.— In this section: (1) Independent System Operator; Regional Transmission Organization.— The terms "Independent System Operator" and "Regional Transmission Organization" have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796). (2) Organized wholesale electricity market.— The term "organized wholesale electricity market" means an Independent System Operator or a Regional Transmission Organization. (3) Secretary.— The term "Secretary" means the Secretary of Energy. (4) State.— The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and Guam.~~interpret this section to authorize funds of the Commodity Credit Corporation for activities under this section if such funds are not expressly authorized or currently expended for such purposes.

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

[NOTE-- MOVED /tIII/stD/p6/s30464 to /tIII/stD/p5/s30454]

[NOTE-- MOVED /tIII/stD/p7/s30471 to /tIII/stD/p6/s30461]

[NOTE-- MOVED /tIII/stD/p7/s30472 to /tIII/stK/s31201]

Title II— Committee on Education and Labor

[NOTE-- MOVED /tII/stA to /tII/st A]

Subtitle A— Education Matters

Part 1— Elementary and Secondary Education

Part 2— Higher Education ~~Subp~~

~~Part A3— America's College Promise Subpart B— Pell Grants and Student Loans Subpart C— Investments in Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-Serving Institutions Part 3— Miscellaneous~~Department of Education implementation

[NOTE-- DELETED /tII/stA/p1/s20001: ~~Sec. 20001. Rebuild America's schools grant program~~]

[NOTE-- MOVED /tII/stA/p1/s20002 to /tVIII/s80001]

[NOTE-- DELETED /tII/stA/p1/s20003: ~~Sec. 20003. Impact aid construction grants~~]

[NOTE-- DELETED /tII/stA/p1/s20004: ~~Sec. 20004. Bureau of Indian Education~~]

[NOTE-- DELETED /tII/stA/p1/s20005: ~~Sec. 20005. Gallaudet University~~]

Sec. 20006~~1~~. Grow your own programs

(a) APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$~~197,000~~12,684,000, to remain available through September 30, 2025, to award grants for the development and support of Grow Your Own Programs, as described in section 202(g) of the Higher Education Act of 1965 (~~20 U.S.C. 4022a(g)~~).

(b) IN GENERAL.— Section 202 of the Higher Education Act of 1965 (~~20 U.S.C. 4022a~~) 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, and to engage in school-based clinical placements;

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

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

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

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

~~"(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. 200072. 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~~ 12,266,000, to remain available through September 30, 2025, to award grants for the development and support of high-quality teaching residency programs, as described in section 202(e) of the Higher Education Act of 1965 (20 U.S.C. 1022a(e)), except that amounts available under this section shall also be available for residency programs for prospective teachers in a bachelor's ~~or master's~~ degree program.

Sec. 200083. 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~~ 12,266,000, to remain available through September 30, 2025, to award grants for the development and support of school leadership programs, as described in: section 2243 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673).

Sec. 200094. 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~~12,266~~,000, to remain available through September 30, 2025, to award grants for the Augustus F. Hawkins Centers of Excellence Program, as described in section 242 of the Higher Education Act of 1965 (20 U.S.C. 1033a).

Sec. 200405. 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~~160,776~~,000, to remain available until September 30, 2025, for personnel development described in section 662 of the Individuals with Disabilities Education Act (20 U.S.C. 1462).

[NOTE-- MOVED /tll/stA/p2/spA/s20021 to /tll/st A/p2/s20027]

[NOTE-- MOVED /tll/stA/p2/spA/s20022 to /tll/st A/p2/s20024]

Sec. 20006. Grants for Native American language teachers and educators

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

"Sec. 803D. Grants for Native American language teachers and educators

"(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, \$200,000,000 for the Secretary, in carrying out section 803C, to award grants to carry out activities relating to preparing, training, and offering professional development to Native American language teachers and Native American language early childhood educators to ensure the survival and continuing vitality of Native American languages.

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

[NOTE-- DELETED /tll/stA/p2/spA/s20023: ~~Sec. 20023. Tuition Assistance for Students at Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-serving Institutions]~~

[NOTE-- DELETED /tll/stA/p2/spA/s20024: ~~Sec. 20024. Northern Mariana Islands, American Samoa, United States Virgin Islands, and Guam college access~~ (l)]

[NOTE-- MOVED /tll/stA/p2/spB/s20031 to /tll/st A/p2/s20021]

[NOTE-- MOVED /tll/stA/p2/spB/s20032 to /tll/st A/p2/s20022]

Sec. 200321. Increasing the maximum Federal Pell gGrant

(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 \$5050 increase for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B) provided under subparagraph (C)(iii)" before "; and"; and

(2) in subparagraph (C)(iii), by inserting before the period at the end the following: ", except that, for award year 2022–2023, such amount shall be ~~increased by \$500~~equal to the amount determined under clause (ii) for award year 2017–2018, increased by \$550 for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B)."

(b) SUBSEQUENT AWARD YEARS THROUGH 20295–2030.— ~~(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—

~~(A1)~~ in paragraph (5)(A)—

~~(iA)~~ in clause (i), by striking "and" after the semicolon;

~~(iiB)~~ by redesignating clause (ii) as clause (iii); and

~~(iiiC)~~ by inserting after clause (i) the following:

"(ii) for each of award years 2023–2024 through 20295–203026, an additional \$50050 for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B); and"; and

~~(B2)~~ in paragraph (6)(A)—

~~(iA)~~ 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 20295; and"; and

~~(iiB)~~ 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 704(b) of such Act.~~

(/)

Sec. 200322. Expanding Federal sStudent aAid 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".

[NOTE-- DELETED /tll/stA/p2/spB/s20033: ~~Sec. 20033. Active duty deferment periods counted toward public service loan forgiveness~~]

[NOTE-- DELETED /tll/stA/p2/spC/s20041: ~~Sec. 20041. Institutional aid~~]

[NOTE-- MOVED /tll/stA/p2/spC/s20042 to /tll/st A/p2/s20026]

Sec. 20023. Increase in Pell grants for recipients of means-tested benefits

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

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

Sec. 200224. Retention and completion grants Part F of t

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

"SubpPart 2E— Retention and eCompletion gGrants

"Sec. 7951. Retention and completion grants Beginning with award year 2023–2024, f

"(a) IN GENERAL.— From amounts appropriated to carry out this subpartection 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 a 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 entities to enable the such entities to carry out the activities described in the applications submitted under subsection (b).~~

~~"(2b) 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. "(e) 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 APPLICATION.— To be eligible to receive a grant under this section, an eligible State entity shall submit an application to the Secretary that includes—"(1) a description of—~~

~~"(A1) how the eligible State entity will use the funds to implement or expand 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 4 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 to improve student outcomes at institutions of higher education in the State or system of institutions of higher education, or at the Tribal College or University, as applicable; and~~

~~"(2) how the eligible State entity 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 tain such reforms or practices after the grant period.~~

~~"(c) PRIORITY.— In awarding grants under this section to eligible entities, the Secretary shall give priority to eligible entities that 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 opose to use a significant share of grant funds to, among 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 edue, student parents, and other underserved student populations in the such 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, improve enrollment, retention, transfer, or completion rates or labor market outcomes.~~

~~"(d) ADEQUATE PROGRESS.— As a condition; 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 *f continuing to receive funds under this section, for each year in which an eligible entity participates in the program under this section, such eligible entity shall demonstrate student outcomes, including retention, transfer, and completion rates and labor market outcomes.* "(b) Priorities.— In awarding funds under this subpart, *rate to the satisfaction of* 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 *rate the entity has made adequate progress in implementing or expanding evidence-based reforms or practices,* and labor market outcomes, among students of color, low-income students, students with disabilities, students in need of remediation, first generation college students, *student parents,* and other underserved student populations in such State. "(3) Propose to use a significant share of grant funds to improve *eligible entity, improving enrollment,* retention, transfer, and/or completion rates and/or labor market outcomes among students attending institutions identified in subsection (a)(2)(B).~~

~~"(4e) 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 *MATCHING REQUIREMENT.— As a condition of receiving a grant under this section for the applicable year described in paragraphs (1) through (3), an eligible entity that is not a Tribal College or University shall provide matching funds for such applicable year toward the cost of the activities described* in the application of such eligible State *submitted* under subsection 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 (b). *Such matching funds shall be in the amount of—*~~

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

~~"(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 *the third year of a grant, not less than 15 percent of the grant amount awarded to such eligible entity for such year; and*~~

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

~~"(af) GENERAL REQUIREMENT FOR STATES.— EXCEPT AS PROVIDED IN SUBSECTION (c);~~
~~A.—~~ An eligible State entity shall use a grant under this subpart~~ection~~ only to carry out activities described in the application for such year under subsection 795B(a)(1)(b).

~~"(bg) EVIDENCE-BASED INSTITUTIONAL REFORMS OR PRACTICES.— "(1) In general.—~~
~~An eligible State or Tribal College or University~~ An eligible entity receiving a grant under this subpart~~ection~~ 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:

~~"(A1) Providing comprehensive academic, career, and student support services, including mentoring, advising, or case management services, or career pathway navigation.~~

~~"(B2) 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 need~~ financial assistance, or means-tested benefit programs to meet the basic needs of students.

~~"(D3) 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.~~

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

~~"(E5) Reforming remedial and developmental education. Improving transfer pathways between—~~

~~"(FA) Utilizing career pathways, including through building capacity for career and technical education as defined in see~~ in the case of an eligible entity that is a State, community colleges and 4-year institutions of higher education ~~3 of in 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. "(C) Improving transfer pathways between community colleges and four-yea~~ State;

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

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

~~"(2h) 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 SUPPLEMENT, NOT SUPPLANT.— Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, local, Tribal, and institutional funders 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 at would otherwise be expended to carry out activities ear described out under this subpart. "~~Sec. 795E. in this section.~~

~~"(i) DEFINITIONS.— In this subpart section:~~

~~"(1) ELIGIBLE STATE ENTITY.— The term 'eligible State entity' means a State that is a recipient, a system of institutions of higher education, or a grant under subpart 4 Tribal College or University.~~

~~"(2) EVIDENCE TIERS.—~~

~~"(A) EVIDENCE TIER 1.— The term 'evidence tier 1', when used with respect to a reform or practice, means a reform or practice that meets the criteria for receiving an expansion grant from the education innovation and research program under section 4611(a)(2)(C) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7264), as determined by the Secretary in accordance with such section.~~

~~"(B) EVIDENCE TIER 2.— The term 'evidence tier 2', when used with respect to a reform or practice, means a reform or practice that meets the criteria for receiving a mid-phase grant from the education innovation and research program under section 4611(a)(2)(B) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7264), as determined by the Secretary in accordance with such section.~~

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

~~"(4) INSTITUTION OF HIGHER EDUCATION.— The term 'institution of higher education' has the meaning given the term in section 101. (5) Tribal College or 102(a)(1)(B).~~

~~"(5) STATE.— The term 'State' means each of the 50 States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, American Samoa, Guam, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.~~

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

~~"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. 4226a) 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(j) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—~~

"(1) \$310,000,000 to remain available until September 30, 2030, to award competitive grants to eligible entities that are not Tribal Colleges and Universities to carry out the approved activities described in the applications submitted under subsection (b).;

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

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

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

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

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

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

Sec. 20025. Institutional aid

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

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

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

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

(4) \$470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(B) of the Higher Education Act of 1965 in fiscal year 2025;

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

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

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

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

- (9) \$470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2025;
- (10) \$470,640,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(C) of the Higher Education Act of 1965 in fiscal year 2026;
- (11) \$141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2022;
- (12) \$141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2023;
- (13) \$141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2024;
- (14) \$141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2025;
- (15) \$141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2026;
- (16) \$70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2022;
- (17) \$70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2023;
- (18) \$70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2024;
- (19) \$70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2025;
- (20) \$70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(ii) of the Higher Education Act of 1965 in fiscal year 2026;
- (21) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2022;
- (22) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2023;
- (23) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2024;
- (24) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2025;
- (25) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iii) of the Higher Education Act of 1965 in fiscal year 2026;
- (26) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2022;
- (27) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2023;
- (28) \$23,520,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(iv) of the Higher Education Act of 1965 in fiscal year 2024;

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

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

(b) USE OF FUNDS.—

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

(2) DISTRIBUTION REQUIREMENTS.— The Secretary of Education shall distribute each of the amounts appropriated under paragraphs (6) through (10) of subsection (a) in accordance with section 371(b)(2)(C), except that in clause (ii) of such section, "25" and "of \$600,000 annually" shall not apply.

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

Sec. 200426. Research and Development Infrastructure 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 ~~r~~Research & ~~d~~Development ~~i~~nfrastructure for ~~m~~Historically Black Colleges and Universities, Tribal Colleges and Universities, and Minority-sServing ~~i~~nstitutions

"Sec. 381. Improving research & development infrastructure for historically black colleges and universities, tribal colleges and universities, and minority-serving institutions

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

"(1) an institution that—

"(4A) is described in section 371(a);

"(2B) is a 4-year institution; and

"(3C) is not an institution classified as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education-; or

~~"(b2) Authorization of grant programs.—"(1) Planning grants.—The Secretary shall award planning grants, an institution described in paragraph (1) acting on behalf of a competitive basis, to eligible institutions, which may include 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 as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education, 2-year institutions of higher education (as defined in section 101), and other academic partners, philanthropic organizations, and industry partners, provided that 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 the lead member and fiscal agent of the consortium.~~

~~"(e) APPLICATIONS.—"(1) IN GENERAL.—"(A) PLANNING AUTHORIZATION OF GRANT PROGRAMS.— An eligible institution that desires to receive a planning grant under subsection (b)(1) shall submit an application For the purpose of supporting research and development infrastructure at eligible institution 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. shall award, on a competitive basis, to eligible institutions—~~

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

~~"(B2) 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 for a period of not more than 5 years. Such a~~

~~"(c) APPLICATION SHALL INCLUDES.—~~

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

~~"(32) NO COMPREHENSIVE DEVELOPMENT PLAN.— The requirement under section 391(b)(1) shall not apply to grants awarded under this section.~~

~~"(d) PRIORITY IN AWARDS.—~~

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

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

~~"(e) USE OF FUNDS.—~~

~~"(1) PLANNING GRANTS.— An eligible institution that receives a planning grant under subsection (b)(1) shall use the grant funds to develop a strategic plan for improving institutional research and development infrastructure that includes—~~

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

~~"(iiB) a detailed description of how the institution would use research and development infrastructure funds provided by an implementation grant under this section would be used to increase the institutional research capacity and support research and development infrastructure; and "(B) in developing such strategic plan, may work in partnership with entities described in subsection (e)(2) to identify and secure non-Federal funding to's research capacity and support research and development infrastructure.~~

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

~~"(A) Providing funding for a program under paragraph (1), (2), or (9) of section 311(e) or under paragraph (1), (2), or (8) of section 503(b) related to research and development 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 infrastructure 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 or furniture, fixtures, and instructional research-related equipment and technology 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, and 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 eligible institution has received a grant under this section. "(K) Installing or extending ^(L) 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 4041 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~~
SUPPLEMENT NOT SUPPLANT.— Funds made available under this section shall be used to supplement, and not supplant, other Federal, State, tribal, and local 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 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 provided with grant funds awarded under this section (including direct student financial assistance) on the basis of citizenship, alienage, or immigration status~~ **would otherwise be expended to carry out the activities described in this section.**

"(g) SUNSET.—

"(1) IN ~~G~~GENERAL.— The authority to make—

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

"(B) implementation grants under subsection (b)(2) shall expire at the end of fiscal year 2027.

"(2) INAPPLICABILITY OF GEPA ~~G~~CONTINGENT ~~E~~EXTENSION OF ~~P~~ROGRAMS.—

Section 422 of the General Education Provisions Act (~~20 U.S.C. 4226a~~) shall not apply to this section.

"(h) APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$23,000,000,000, to remain available until September 30, 2028, for carrying out this section."

Sec. 200247. ~~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 recent 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 colleges 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 Commonwealth of Puerto Rico, the District of Columbia, Guam, American Samoa, the United States Virgin Islands, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States. "(2) Inclusion of State financial aid and local funds.— In the case of a State that demonstrates 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) "(1) 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 colleges by local governments in such State for the purpose of carrying out this subpart. "(3) Relationship to Maintenance of Effort.— The inclusion of funds described in paragraph (2) as part of a State's share shall modify the maintenance of effort requirements under section 788(c) 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 students.— "(1) In general.— For purposes of subsections (a) and (b), the Secretary shall, in consultation with the State or eligible Tribal College or University concerned, determine the estimated number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible Tribal College or University for the applicable 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 eligible Tribal College or University concerned, determine the actual number of eligible students enrolled in the community colleges operated or controlled by such State or in such eligible 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 a 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. 3452(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 access to comprehensive counseling and supports to facilitate the process of transferring to a 4-year institution of higher education; 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 accordance with subparagraph (A) and is meeting the requirements of clauses (i) through (iv) of such subparagraph. "(c) State maintenance of effort.— A State receiving a grant under this subpart shall be entitled to receive 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 development 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 to set 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 provided by, the Bureau of Indian Education for Tribal Colleges and Universities. "Sec. 790. Automatic stabilizers for America's college promise "(a) Maintenance of effort relief.— A State that meets the qualifying spending requirement may request 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 eligible 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 accordance with subsection (d), for— "(A) the fiscal year for which the determination 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 applicable, 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(c) 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 average 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 community college tuition and fees of the student were set to \$0 pursuant to section 788(a); "(D) is not enrolled in a dual or concurrent 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 section 483 for the applicable award year for which the student is enrolled. "(6) Eligible tribal college or university.—The term 'eligible Tribal College or University' 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 predominant 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~~**Northern Mariana Islands, American Samoa, United States Virgin Islands, Guam, and freely associated States college access**

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

"Part G— College Access for Students in Outlying Areas

"Sec. 792. Northern Mariana Islands, American Samoa, United States Virgin Islands, Guam, and freely associated states college access grants

"(a) GRANTS.—

"(1) GRANT AMOUNTS.—

"(A) IN GENERAL.— Beginning with award year 2023–2024, from amounts appropriated to carry out this section, the Secretary shall award grants to the Governors of each outlying area for such Governors to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

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

"(i) not more than \$15,000 for any one award year (as defined in section 481(a)(1)); and

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

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

"(2) AGREEMENT.— Each Governor desiring a grant under this section shall enter into an agreement with the Secretary for the purposes of administering the grant program.

"(3) GRANT AUTHORITY.— The authority to make grants under this section shall expire at the end of award year 2029–2030.

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

"(c) NO ADDITIONAL ELIGIBILITY REQUIREMENTS.— No individual shall be determined, by a Governor, an eligible institution, or the Secretary, to be ineligible for benefits provided under this section except on the basis of eligibility requirements under this section.

"(d) DEFINITIONS.— In this section:

"(1) ELIGIBLE INSTITUTION.— The term 'eligible institution' means an institution that

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

"(B) enters into an agreement with the Governor of an outlying area, or with two or more of such Governors (except that such institution may not enter into an agreement with the Governor of the outlying area in which such institution is located), to carry out the grant program under this section; and

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

"(2) ELIGIBLE STUDENT.— The term 'eligible student' means a student who—

"(A) was domiciled in an outlying area for not less than 12 consecutive months preceding the commencement of the freshman year at an institution of higher education supported by a grant awarded under this section;

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

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

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

"(4) GOVERNOR.— The term 'Governor' means the chief executive of an outlying area.

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

"(e) APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated 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."

Sec. 2005231. 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, \$738,000,91,742,000, to remain available until expended, for necessary administrative expenses associated with carrying out this subtitle and sections 22101 and 22102.

(l)

Sec. 200532. 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, ~~\$9485,000,000~~, to remain available through September 30, 2030, for Student Aid Administration within the Department of Education for necessary administrative expenses associated with carrying out this subtitle and for additional Federal administrative expenses.

Sec. 20054~~33~~. 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, ~~\$3510,000,000~~, to remain available until expended, for the Office of Inspector General of the Department of Education, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this subtitle and sections 22101 and 22102 carried out by the Office of Inspector General.

Subtitle B— Labor Matters

Sec. 21001. Department of Labor

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

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

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

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

(4) \$405,000,000 to the Wage and Hour Division for carrying out activities.

(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 parity in mental health and substance use disorder benefits"; and

(2) in subparagraph (A)—

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

(B) by striking "for any failure" and all that follows through "in connection with the plan." and inserting

for any failure by such sponsor, administrator, or issuer, in connection with the plan—

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

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

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

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

(2) in subsection (b)(3)—

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

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

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

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

Sec. 21006. Penalties under the National Labor Relations Act

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

(1) by striking "Sec. 12. Any person" and inserting the following:

"Sec. 12. Penalties

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

(2) by adding at the end the following:

"(c) 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, except 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 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.~~

~~"(c) 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. "(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 excluded 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 (c). "(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 (e) 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 restraining order, or any other form of injunctive relief, for a violation of this section other than a decree 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

Part 2— Department of Education

Part 3— Competitive integrated employment transformation grant program

Part 4— Recruitment, Education and Training, Retention, and Career Advancements for the Direct Care Workforce

Part 5— ~~Workforce Development Programs in Support of Communities and the Environment~~ Part 6— Department of Labor Inspector General and Program Administration Funding

Sec. 22001. Dislocated worker employment and training activities

(a) ~~In general~~ APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$462,000,000,000, 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~~ which shall be allotted in accordance with subsection (b)(2) of section 132 and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under 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~~ for each local area to provide—

~~(1) 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,~~ including individualized career services described in section 134(c)(2)(A)(xii) of such Act;

~~(29 U.S.C. 3174(c)(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, except that~~ 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~~ training

services, including through individual training accounts, authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act (~~29 U.S.C. 3174(e)(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~~ APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$15,000,000,000, to remain available until September 30, 2026, ~~except that no amounts may be expended after September 30, 2024,~~ 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 which shall be allotted in accordance with subsection (b)(1) of section 132 and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under 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~~ for each local area to provide—

(1) 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, including individualized career services described in section 134(c)(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;~~

(2) 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 per, except shall be reserved for carrying out the training services—~~ t the requirements of subparagraphs (B) and (C) of paragraph (A) (3) of which, not less than 60 percent shall be made available ~~for such section shall not apply; and~~

(3) training services, including through individual training accounts ~~or contracts,~~ authorized under ~~of~~ section 134(c)(3) of the Workforce Innovation and Opportunity Act (~~29 U.S.C. 3174(e)(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)~~) such Act shall be applied by substituting "40 percent" for "20 percent".

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

Sec. 22003. Youth workforce investment activities

(a) ~~In general~~ APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$9,954,500,000,000~~, 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 which shall be allotted in accordance with subparagraphs (B) and (C) of section 127(b)(1) and reserved under subsection (a) of section 128 of the Workforce Innovation and Opportunity Act, and allocated under 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 each local area to—

(1) 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; and

~~(a3) shall be used by local areas to partner with community-based organizations serving to support~~ 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.

(eb) 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) ~~\$1,25400,000,000~~ 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~~ reserved and used for the Commonwealth of the Northern Mariana Islands and American Samoa in amounts the Secretary determines appropriate prior to the allotments being made in accordance with section 6 of such Act (~~29 U.S.C. 49d~~).

(2) \$100,000,000 for carrying out improvements to ~~State~~ workforce and labor market information systems ~~authorized under section 15 of the Wagner-Peyser Act (29 U.S.C. 49l-2)~~.

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~~ the following amounts, 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:~~

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

(2) \$125,000,000, for competitive grants to national and regional intermediaries ~~for activities~~ to carry out Reentry Employment Opportunity programs 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, made 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~~ the following amounts, to remain available until September 30, 2026, ~~except that no amounts may be expended after September 30, 2031, to:~~

(1) \$500,000,000 for carrying out activities through grants, cooperative agreements, contracts, or other arrangements, ~~with States and other appropriate entities, including~~ including arrangements with States, equity intermediaries, and business and labor industry partner intermediaries, to create or expand only—

(4A) registered apprenticeship programs ~~registered under the Act of August 4th, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.);~~

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

~~(2C) youth apprenticeship programs and pre-apprenticeship programs that articulate to apprenticeship—~~

(i) provide participants with high-quality, classroom-based related instruction and training, and employment opportunities with programs described in paragraph (1). ~~(b) Reservation.— Not less than 50 percent of the funds made available under section~~ essively increasing wages; and

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

~~(a2) shall be reserved for— (1) entities \$500,000,000 for carrying out activities through arrangements described in paragraph (1) to support programs described in such paragraph that serve a high number or high percentage of individuals with barriers to employment (as defined in section 3(24) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3402)), including individuals with disabilities, or nontraditional apprenticeship populations; or (2) youth apprenticeships or pre-apprenticeships that articulate to such registered apprenticeship programs.~~

[NOTE-- DELETED /tll/stC/p1/s22007: ~~Sec. 22007. Community college and industry partnership grants~~]

Sec. 22008. Industry or sector partnership grants

~~(a) In general APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,04,600,000,000, 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 grant for the Secretary to award, on a competitive basis, grants, contracts, or a competitive basis agreements to eligible partnerships for the purposes of expanding workforce development and employment opportunities training activities for high-skill, high-wage, or in-demand industry sectors or occupations, including information technology, clean energy, arts and entertainment, infrastructure and transportation, advanced manufacturing, health care, public health, home care, and early childhood care and education. To receive such a grant.~~

(b) ELIGIBILITY.— To be eligible to receive funds under this section, an eligible partnership shall submit to the Secretary an application that such time, in such manner, and contain includes a description of programs to be supported with such funds, the recognize postsecondary credentials participants ing such information as specified by the

See programs will earn, and related employment opportunities for which participants in such programs will be prepared.

(c) USES OF FUNDS.— An eligible partnership awarded ~~such a grant~~ funds under this section shall use—(1) such ~~grant funds~~ to—

~~(1) regularly~~ engage and ~~regularly convene~~ stakeholders in a collaborative structure to identify, develop, improve, or expand training to develop, or expand, employment; and ~~growth opportunity~~ training activities 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~~ that leads to the attainment of nationally or regionally portable and stackable recognized postsecondary credentials for the industry sector or occupation described in paragraph (1), which shall include—

(A)

~~(i)~~ training services described in any clause of subparagraph (D) of section 134(c)(3) of the Workforce Innovation and Opportunity Act (~~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—

~~(I)~~ registered apprenticeship programs; ~~youth apprenticeship, or;~~

~~(II)~~ pre-apprenticeship programs that articulate to registered apprenticeship programs; ~~or through joint labor-management partnerships; and~~ ~~(C)~~ establishing or i;

~~(III)~~ youth apprenticeship programs that—

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

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

~~(IV)~~ joint labor-management organizations; and

~~(B)~~ the provision of information on related skills or competencies that may be attained through such grant funds to ~~ining or credentials;~~

~~(3)~~ ⁽¹⁾ directly provide, or arrange for the provision of, services to help individuals with barriers to employment prepare for, complete, and successfully transition out of

training described in paragraph (2), which services shall include career services, supportive services, or 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, except that, for purposes of this section, subparagraphs (B) and (C) of section 134(d)(3) of that Act shall not apply; and~~

~~(4) Reservations.— (1) In general.— From the amounts made available under subsection (a), the Secretary shall reserve not more than 5 percent to establish or implement plans for providers of programs supported with such funds to meet the criteria and carry out the procedures to be included on the eligible training services provider list described in section 122(d) of the Workforce Innovation and Opportunity Act.~~

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

~~(A1) targeted outreach and support to eligible partnerships serving local areas with high unemployment rates or high percentages of individuals with low income dislocated workers or individuals with barriers to employment, to provide guidance and assistance in the grant application process under this section;~~

~~(B2) administration of the program described in this section, including providing comprehensive technical assistance and oversight to support eligible partnerships; and~~

~~(C3) evaluating and reporting on the performance and impact of programs funded under this section.~~

~~(2e) STATE BOARD OR LOCAL BOARD FUNDS.— From in addition to amounts made otherwise available under subsection (a), the Secretary shall reserve not less than 5 percent, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available until September 30, 2026, to provide direct assistance to State boards or local boards to support the creation or expansion of industry or sector partnerships in local areas with high unemployment rates or high percentages of individuals with low income dislocated workers or individuals with barriers to employment, as compared to State or national averages for such rates or percentages.~~

~~(ef) 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: (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 (2) State board or local board, that is in the process of establishing an industry or sector partnership. (2) Perkins etc 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

~~(a) APPROPRIATION.— 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, \$4,500,000,000, to remain available until September 30, 2026, except that no amo—~~

~~(1) to provide funds may be expended after September 30, 2031, for the Job Corps program authorized under to operators and service providers to—~~

~~(A) carry out the activities and services described in sections 1438 and 149 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3193), including; and~~

~~(B) improving and expanding access to allowances and support services described in section 150 of such Act (29 U.S.C. 3200), except that for the purposes of this section, outlying areas as defined; and~~

~~(2) for the construction, rehabilitation, and acquisition of Job Corps centers, notwithstanding section 3 of such Act (29 U.S.C. 3102) shall be considered eligible to receive funds under this section. Of such funds, no less than \$750,000,000 shall be reserved for construction, rehabilitation and acquisition of Job Corps Centers 158(c) of the Workforce Innovation and Opportunity Act.~~

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

Sec. 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 to carry out activities described in section 166(d)(2)(A) of 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, \$4570,000,000, 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~~ to carry out activities described in section 167(d) of the Workforce Innovation and Opportunity Act, except that, for purposes of providing services ~~under those programs~~ as part of such activities 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, \$1500,000,000, to remain available until September 30, 2026, ~~except that no amounts may be expended after September 30, 2031, for the YouthBuild program authorized under~~ to carry out activities described in section 171(c)(2) of 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 (e)(2) paragraphs (A)(vii) and (e)(2)(F) of section 171(c)(2) 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, \$40035,000,000, 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~~ the section 502 of the Older Americans Act (42 U.S.C. 3056 et seq.) of 1965.

[NOTE-- MOVED /tll/stC/p1/s22014 to /tll/stC/p5/s22402]

Sec. 22014. Provision of information

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

Sec. 22015. Definitions

In this part:

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

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

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

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

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

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

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

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

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

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

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

(2) ELIGIBLE INSTITUTION.— The term "eligible institution" means a community college, a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965), or a consortium of such colleges or institutions, that is working directly with an industry or sector partnership, or in the process of establishing such partnership, to carry out a grant under section 22007.

(3) ELIGIBLE PARTNERSHIP.— The term "eligible partnership" means—

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

(B) a State board or local board, a joint labor-management organization, or an entity eligible to be a representative under clause (i), (ii), or (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act, that is in the process of establishing an industry or sector partnership described in subparagraph (A), to carry out a grant, contract, or cooperative agreement under section 22008.

(4) PERKINS CTE DEFINITIONS.— The terms "career guidance and academic counseling", "dual or concurrent enrollment program", "evidence-based", and "work-based learning" have the meanings given the terms in paragraphs (7), (15), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.

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

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

(7) WIOA DEFINITIONS.—

(A) IN GENERAL.— The terms "career pathway", "in-demand industry sector or occupation", "individual with a barrier to employment", "industry or sector partnership", "local area", "local board", "recognized postsecondary credential", "State board", and "supportive services" have the meanings given the terms in paragraphs (7), (23), (24), (26), (32), (33), (52), (57), and (59), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

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

Sec. 22101. Adult education and literacy

(a) In general APPROPRIATION.— 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, \$3,6700,000,000, to remain available until September 30, 2028Z, to carry out title II of the Workforce Innovation and Opportunity program of adult education and literacy Act (29 U.S.C. 3101 et seq.), which shall be reserved, and grantivities authorized 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 the Workforce Innovation and Opportunity Act, except that, for each fiscal year for which such an eligible agency receives such funds appropriated under this section, 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", and section 222(b) of such Act shall not apply.

(b) SUPPLEMENT NOT SUPPLANT.— Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support adult education and literacy activities, including funds provided under the Workforce Innovation and Opportunity Act.

Sec. 22102. Career and technical education

(a) In general APPROPRIATION.— 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, 2028Z:

(1) \$3,0600,000,000 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. 2304 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), paragraph (2) of such subsection and 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(18) of such Act), shall be eligible to receive grants under section 114(e) of such Act~~ such program.

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

Sec. 22201. Competitive integrated employment transformation grant program

(a) ~~In general~~ APPROPRIATION.— 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")~~ the following amounts, to remain available through fiscal year 2029, for the Secretary of Labor to award grants to covered States in accordance with this section to assist employers in such States who were issued special certificates under section 14(c) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)) ~~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 transformation ~~(referred to in this part as "special certificates")~~ in transforming their business and program models from providing employment using special certificates to business 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 under 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 who have in effect such a certificate.~~
gram models that employ and support people with disabilities in competitive integrated employment:

~~(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 (e)(3); and (ii) submits an application under subsection (e) 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) Cutoff.— The Secretary may not issue a grant under this subsection after September 30, 2025.~~
\$189,000,000 for subsection (d)(2)(B).

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

~~(e)~~ APPLICATIONS.—

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

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

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

- (i) the number of employers in the covered State using special certificates to employ and pay people with disabilities;
- (ii) the number of employees in the covered State employed under a special certificate;
- (iii) the average number of hours such employees work per week; and
- (iv) the average hourly wage for such employees;

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

(C) assurances that—

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

~~(I) each employer in the covered~~ State that, ~~as of on~~ the date of enactment of this Act, provides employment using special certificates; ~~the employer—~~ ~~(aa) transforming~~ ing its business and program models as described in subsection ~~(dc)(1)(A); or (bb); and~~

~~(II) ceases providing specialized employe~~ each employer in the covered State ceasing to use special certificates by the end of the 5-year grant ~~services for people with disabilities; and~~ and no longer applying for or renewing such certificates;

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

(I) not less than the higher of—

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

~~(bb) the rate specified in the~~ an 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.); or~~

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

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

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

~~(3c) 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 special certificates in the State, an application~~
USE OF FUNDS.— A covered State receiving a grant 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:~~

~~(A1) Identifying each employer in the State that will transform its business and program models from employing people with disabilities using special certificates to employing people with disabilities in competitive integrated employment settings, or a setting involving a combination of competitive integrated employment and integrated services.~~

~~(B2) Implementing a service delivery infrastructure to support people with disabilities who have been employed under special certificates through such a transformation, including providing enhanced integrated services to support people with the most significant disabilities.~~

~~(E3) Expanding competitive integrated employment and integrated services to be provided to such people as a result of transformations described in subparagraph (A1).~~

~~(2d) States receiving amount from reservation.— A State~~
ALLOTMENTS.—

~~(1) IN GENERAL.— Not later than, as of 18 months after 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 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. (c) Members of the advisory council.— A State receive~~
the Secretary shall—

(A) determine the number of covered States; and

(B)

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

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

(2) 15 OR MORE COVERED STATES.—

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

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

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

(B) ALLOTMENT BASED ON THE NUMBER OF EMPLOYEES EMPLOYED UNDER SPECIAL CERTIFICATES.— From the total amount of the funds appropriated under subsection (a)(1), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of people with disabilities who are employed under a special certificate in the covered State bears to the total number of people with disabilities; who are or were employed under a special certificate, who shall comprise not less than 25 percent of the members of such advisory council. (2) Family me in all covered States.

(C) ALLOTMENT BASED ON THE NUMBER OF EMPLOYERS WITH SPECIAL CERTIFICATES.— From the total amount of the funds appropriated under subsection (a)(2), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the numbers of a person with an intellectual, developmental, or mental health disability who is or was employers in the covered State who have in effect a special certificate bears to the total number of employers in all covered States who have in effect such a certificate.

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

~~(3E) An employer providing competitive integrated employment. (4) An employer providing employment under special certificate~~ GRANT PERIOD.— A grant under this paragraph shall be awarded for a period of 5 years.

(3) 14 OR FEWER COVERED STATES.—

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

(B) GRANT PERIODS.—

~~(5) Representatives of relevant State agencies with expertise in competitive integrated employment, disability organizations with such expertise, and disability related of~~ IN GENERAL.— The Secretary shall award grants under this paragraph for 2 separate, 5-year grant periods.

(ii) ⁽¹⁾ SECOND 5-YEAR GRANT PERIOD.— Grants for the second 5-year grant period shall be awarded—

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

(II) not later than September 30, 2025.

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

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

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

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

[NOTE-- MOVED /tll/stC/p3/s22202 to /tll/stC/p3/s22205]

Sec. 22202. Grants for States to expand competitive integrated employment

(a) APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$24,000,000, to remain available through fiscal year 2029, for the Secretary of Labor to award grants to covered States in accordance with this section to assist employers in such States who were issued special certificates in continuing to transform their business and program models from providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment.

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

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

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

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

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

=

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

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

Sec. 22203. Technical assistance

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

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

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

Sec. 22204. Supplement and not supplant

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

(1) to assist employers in such State who were issued a special certificate in transforming (or continuing to transform) their business and program models from providing employment using special certificates to business and program models that employ and support people with disabilities in competitive integrated employment; or

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

Sec. 22205. Definitions

In this part:

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

(2) **EMPLOYEE; EMPLOYER.**— The terms "employee" and "employer" have the meanings given such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 203).

~~(3) INTEGRATED COMMUNITY PARTICIPATION AND WRAPAROUND SERVICES; INTEGRATED SERVICES.— THE TERMS "INTEGRATED COMMUNITY PARTICIPATION AND WRAPAROUND SERVICES" OR SERVICES.—~~ *The term "integrated services" means services for people with disabilities that are—*

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

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

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

(i) maintaining competitive integrated employment;

(ii) achieving independent living; or

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

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

(E) provided in a location that—

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

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

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

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

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

(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 SECRETARY.~~— 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);~~ *ecretary" means the Secretary of Labor.*

Sec. 22301. Definitions

In this part:

(1) ~~CAREER~~ DEFINITIONS.— The terms "area career and technical education school", "evidence-based", and "work-based learning" have the meanings given such terms in paragraphs (3), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2302).

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

(3) OTHER DEFINITIONS.—

~~(A) 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~~ DIRECT SUPPORT WORKER.— The term "direct ~~care~~ support worker" means—

(i) a direct support professional;

(ii) ~~any worker who provides~~ ing direct care services in, which may include palliative care, in a home or community-based setting;

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

~~(iv) a palliative care worker;~~ (v) a direct care worker, as defined in section 799B of the Public Health Service Act (42 U.S.C. 7295p); or

(vi) an individual in any other position or job related to those described in clauses (i) through (v), 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; or 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~~ support workers, or training or educating direct ~~care~~ support 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) or with a consortium described in clause (ix).—

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

(II) an area career and technical education school; or

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

(~~DC~~) 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.

(~~ED~~) 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).

(~~FE~~) 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).

(~~GE~~) PRE-APPRENTICESHIP PROGRAM.— The term "pre-apprenticeship program" means a program that articulates to a registered apprenticeship program.

(~~HG~~) REGISTERED APPRENTICESHIP PROGRAM.— The term "registered apprenticeship program" means an apprenticeship program registered ~~under~~with the Office of Apprenticeship of the Employment Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the "National Apprenticeship Act"; 50 Stat. 664, chapter 663; ~~29 U.S.C. 50 et seq.~~).

(~~HI~~) SECRETARY.— The term "Secretary" means the Secretary of Labor.

(~~JI~~) 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, \$1,48000,000,000, 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~~support workers.

(b) APPLICATIONS; AWARD BASIS.—

(1) APPLICATIONS.—

(A) IN GENERAL.— An eligible entity seeking a grant under subsection (a) shall submit to the Secretary an application at such time, in such manner, and

containing such information as the Secretary, in coordination with the 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~~support 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 (e)(2) consult on the development and implementation of the grant, with direct support workers, their representatives, and recipients of direct care services and their families;~~ and

(II) the eligible entity will consult on the implementation of the grant, or coordinate the activities of the grant, with the agencies in the State that are responsible for developmental 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~~support 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~~support 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) 1,~~ each eligible entity receiving a grant under subsection (a) shall use the grant funds for one or more of the following activities:

(iA) Developing and implementing a strategy for the recruitment of direct ~~care~~support workers.

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

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

(i) education and training on—

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

(~~AA~~aa) wages and hours, including under sections 3, 6, 7, 12, and 13 of the Fair Labor Standards Act of 1938 (29 U.S.C. 204 et seq. 3, 206, 207, 212, 213);

(~~BB~~bb) safe working conditions, including under section 5 of the Occupational Safety and Health Act of 1970 (29 U.S.C. 654 et seq.); (~~GG~~4); and

(~~cc~~cc) forming, joining, or assisting a labor organization, including under sections 7 and 8 of the National Labor Relations Act (29 U.S.C. 153 et seq.); and (~~DD~~) other applicable terms and conditions of employment; and (~~bb~~7, 158); and

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

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

(~~aa~~l) 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~~l) 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;

(~~Hiii~~iii) developing and implementing a strategy for the retention and career advancement of the direct ~~care~~support workers served by the grant, including providing career planning for the direct ~~care~~support workers served by the grant to support ~~(v)~~ 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~~support~~ workers served by the grant, including the provision of culturally competent and disability 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~~support~~ workers in the State served by the grant.

[NOTE-- MOVED /tll/stC/p5/s22401 to /tll/stG/s26001]

[NOTE-- MOVED /tll/stC/p5/s22402 to /tll/stG/s26002]

Sec. 225401. 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, \$4040,000,000, 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.

[NOTE-- MOVED /tll/stC/p6/s22501 to /tll/stC/p5/s22401]

Sec. ~~22014~~402. Program administration

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, \$7290,000,000, to remain available until September 30, 2028, ~~except that no amounts may be expended after September 30, 20319~~, for program administration within the Department of Labor for salaries and expenses necessary to implement this part, ~~parts 3 and 4, and part 1 (other than sections 22402 of part 5 of this subtitle, including for management, legal, or other support necessary to implement such parts or section 007 and 22008), and parts 3 and 4, of this subtitle.~~

Subtitle D— Child Care and Universal Pre-Kindergarten

Sec. 23001. Birth through five child care and early learning entitlement

(a) 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 — (I) does not exceed 100 percent of the State median income for a family of the same size for fiscal year 2022; (II) does not exceed 115 percent of such State median income for fiscal year 2023; (III) does not exceed 130 percent of such State median income for fiscal year 2024; and (IV) for each of the fiscal years 2025 through 2027, is of any level; (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 participating in an eligible activity; (II) is included in a population of vulnerable children identified by the lead agency involved, which at a minimum shall include children 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. 9858e(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 parent(s)' 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 or 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). (c) 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.— 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, \$130,000,000 for each of fiscal years 2022, 2023, and 2024, to carry out subsection (k). Amounts appropriated by the preceding sentence shall be available for one fiscal year. (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, which shall be in addition to amounts otherwise available for this purpose. Amounts appropriated by the preceding sentence shall be available for one fiscal year. (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 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 State median income for a family of the same size, the family shall not pay a copayment, toward the cost of the child care involved for all eligible children in the family; (II) of more than 75 percent but not more

~~than 100 percent of State median income for a family of the same size, the copayment shall be more than 0 but not more than 2 percent of that family income, toward such cost for all such children; (III) of more than 100 percent but not more than 125 percent of State median income for a family of the same size, the copayment shall be more than 2 but not more than 4 percent of that family income, toward such cost for all such children; (IV) of more than 125 percent but not more than 150 percent of State median income for a family of the same size, the copayment shall be more than 4 but not more than 7 percent of that family income, toward such cost for all such children; and (V) of more than 150 percent 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. 9858e(c)(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 (e)(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) \$9,600,000,000 for each of the fiscal years 2022 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 Indian organizations, and the Tribes, Tribal organizations, and Indian organizations shall be entitled to such payments, 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 payment under clause (ii)(II) shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary 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 Secretary shall make payments to the territories specified in that paragraph, and the territories shall be entitled to such payments, for carrying out programs 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 submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary 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 allotment under subparagraph (A) for such fiscal 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 child care. (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 underpayment 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 Secretary shall make payments to territories, and Indian tribes, tribal organizations, and Urban Indian organizations, with applications submitted as described in subsection (a), and approved 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 subsection (h)(2). (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 requirements under this section. (C) Activities to improve the quality and supply of child care services. — (i) Quality child care activities. — (I) Amount. — For each of fiscal years 2025 through 2027, from the total of the annual payments made to the State for a particular fiscal year, the State shall reserve and use a quality child care amount equal to not less than 5 percent and not more than 10 percent of the amount made available to the State through such payments for 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 described 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 remodeling, renovation, or repair of a building or facility to the extent permitted under section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858). (bb) Additional uses.—For fiscal years 2022 through 2024, and in subsequent years with approval from the Secretary, a State may provide such facilities grants for construction, permanent 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, including supporting degree attainment and credentialing for early childhood educators; (bb) developing, implementing, or enhancing the State's tiered system for measuring the quality of 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 support to enable providers to achieve licensure. (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 government, 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 children in families with income that does not exceed 200 percent of the Federal poverty level, which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section. (B) 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). (C) 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.). (C) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794). (D) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.). (E) Section 654 of the Head Start Act (42 U.S.C. 9849). (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)~~

~~CHILD CARE DEFINITIONS. — The definitions in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n) shall apply to this section, except as provided in subsection (b) and as otherwise specified.~~

~~(b) ADDITIONAL DEFINITIONS. — In this section:~~

(1) CHILD CARE CERTIFICATE.—

(A) IN GENERAL.— The term "child care certificate" means a certificate (that may be a check or other disbursement) that is issued by a State, Tribal, territorial, or local government under this section directly to a parent who shall use such certificate only as payment for child care services or as a deposit for child care services if such a deposit is required of other children being cared for by the provider.

(B) RULE.— Nothing in this section shall preclude the use of such certificates for sectarian child care services if freely chosen by the parent. For the purposes of this section, child care certificates shall be considered Federal financial assistance to the provider.

(2) CHILD EXPERIENCING HOMELESSNESS.— The term "child experiencing homelessness" means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

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

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

(B) self-employment;

(C) job search activities;

(D) job training;

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

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

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

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

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

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

(K) taking leave under the Family and Medical Leave Act of 1993 (or equivalent provisions for Federal employees), a State or local paid or unpaid leave law, or a program of employer-provided leave.

(4) ELIGIBLE CHILD.— The term "eligible child" means an individual, subject to subsection (g)(1)(C)(i)(III)—

(A) who is less than 6 years of age;

(B) who is not yet in kindergarten;

(C) whose family income—

(i) does not exceed 100 percent of the State median income for a family of the same size for fiscal year 2022;

(ii) does not exceed 125 percent of such State median income for fiscal year 2023;

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

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

(D) who—

(i) resides with a parent or parents who are participating in an eligible activity;

(ii) is included in a population of vulnerable children identified by the lead agency involved, which at a minimum shall include children with disabilities, infants and toddlers with disabilities, children experiencing homelessness, children in foster care, children in kinship care, and children who are receiving, or need to receive, child protective services; or

(iii) resides with a parent who is more than 65 years of age.

(5) ELIGIBLE CHILD CARE PROVIDER.—

(A) IN GENERAL.— The term "eligible child care provider" means a center-based child care provider, a family child care provider, or other provider of child care services for compensation that—

(i) is licensed to provide child care services under State law or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary;

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

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

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

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

(B) SPECIAL RULE.— A child care provider who is eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 on the date the State submits an application for funds under this section, and remains in compliance with any licensing or registration standards, or regulations, of the State, shall be deemed to be an eligible child care provider under this section for 3 years after the State receives funding under this section.

(6) FMAP.— The term "FMAP" has the meaning given the term "Federal medical assistance percentage" in the first sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)).

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

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

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

(B) that provides care and full participation for children with disabilities and infants and toddlers with disabilities (whichever the provider serves) alongside children who are—

(i) not children with disabilities; and

(ii) not infants and toddlers with disabilities.

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

(10) INFANT OR TODDLER WITH A DISABILITY.— The term "infant or toddler with a disability" has the meaning given the term in section 632 of the Individuals with Disabilities Education Act (20 U.S.C. 1432).

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

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

(13) TERRITORY.— The term "territory" means the Commonwealth of Puerto Rico, the Virgin Islands of the United States, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(c) APPROPRIATIONS.—(1) STATES.—

(A) STATE APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(i).

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

(II) \$5,730,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(2)(C) in fiscal year 2022;

(III) \$4,125,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A)(i) or subsection (h)(2)(C), as determined by the State or Commonwealth, in fiscal year 2022; and

(IV) \$1,604,400,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (g)(2)(A)(iii) in fiscal year 2022;

(ii).

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

(II) \$8,117,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(2)(C) in fiscal year 2023;

(III) \$5,844,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A)(i) or subsection (h)(2)(C), as determined by the State or Commonwealth, in fiscal year 2023; and

(IV) \$2,272,900,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (g)(2)(A)(iii) in fiscal year 2023; and

(iii).

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

(II) \$10,027,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(2)(C) in fiscal year 2024;

(III) \$7,219,800,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A)(i) or subsection (h)(2)(C), as determined by the State or Commonwealth, in fiscal year 2024; and

(IV) \$2,807,700,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (g)(2)(A)(iii) in fiscal year 2024.

(B) STATE ENTITLEMENT.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to States, to remain available for 1 additional fiscal year for carrying out this section (other than carrying out subsections (i), (k), and (l) or activities described in paragraph (2) or (3)).

(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(A) INDIAN TRIBE AND TRIBAL ORGANIZATION APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to Indian Tribes and Tribal organizations for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States—

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

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

(iii) \$1,680,000,000 to remain available until September 30, 2027, to carry out the child care program in fiscal year 2024.

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

(3) TERRITORIES.—

(A) TERRITORY APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands for the purpose of carrying

out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States—

(i) \$120,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2022;

(ii) \$170,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2023; and

(iii) \$210,000,000, to remain available until September 30, 2027, to carry out the child care program in fiscal year 2024.

(B) TERRITORY ENTITLEMENT.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to territories, for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(4) GRANTS TO LOCALITIES.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) \$1,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2023;

(B) \$1,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2024;

(C) \$1,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2025;

(D) \$1,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2026; and

(E) \$1,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (i)(2) in fiscal year 2027.

(5) HEAD START EXPANSION IN NONPARTICIPATING STATES.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) \$3,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2023;

(B) \$3,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2024;

(C) \$3,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2025;

(D) \$3,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2026; and

(E) \$3,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (i)(3) in fiscal year 2027.

(6) FEDERAL ADMINISTRATION.—

(A) FISCAL YEARS 2022 THROUGH 2025.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated

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(i) \$130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2022;

(ii) \$130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2023;

(iii) \$130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2024; and

(iv) \$130,000,000, to remain available until September 30, 2027, to carry out subsections (k) and (l) in fiscal year 2025.

(B) FISCAL YEARS 2026 THROUGH 2027.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2026 and 2027, an amount equal to 1.06 percent of the prior year's appropriation under paragraph (1)(B), to carry out subsections (k) and (l).

(d) ESTABLISHMENT OF BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT PROGRAM.—

(1) IN GENERAL.— The Secretary is authorized to administer a child care and early learning entitlement program under which an eligible child, in a State, territory, or Indian Tribe, or served by a Tribal organization, with an approved application under subsection (f) or (g), shall be provided an opportunity to obtain high-quality child care services, subject to the requirements of this section.

(2) ASSISTANCE FOR EVERY ELIGIBLE CHILD.— Beginning on October 1, 2024, every child who applies for assistance under this section in a State with an approved application under subsection (g) or in a territory or Indian Tribe or served by a Tribal organization with an approved application under subsection (f), and who is

determined, by a lead agency (or other entity designated by a lead agency) following standards and procedures established by the Secretary by rule, to be an eligible child, shall be offered assistance for direct child care services in accordance with and subject to the requirements and limitations of this section.

(e) LEAD AGENCY.— The Governor of a State or the head of a territory or Indian Tribe, desiring for the State, territory, or Indian tribe or a related tribal organization to receive a payment under this section, shall designate a lead agency (such as a State agency or joint interagency office) to administer the child care program carried out under this section.

(f) APPLICATIONS AND STATE PLANS.—

(1) APPLICATION.— To be eligible to receive assistance under this section, a State shall prepare and submit to the Secretary for approval an application containing a State plan that—

(A) for a transitional State plan, meets the requirements under paragraph (3) and contains such information as the Secretary may require, to demonstrate the State will meet the requirements of this section; and

(B) for a full State plan, meets the requirements under paragraph (4) and contains that information.

(2) PERIOD COVERED BY PLAN.— A State plan contained in the application shall be designed to be implemented—

(A) for a transitional State plan, during a period of not more than 3 years; and

(B) for a full State plan, during a period of not more than 3 years.

(3) REQUIREMENTS FOR TRANSITIONAL STATE PLANS.— For a period of not more than 3 years following the date of enactment of this Act, the Secretary shall award funds under this section to States with an approved application that contains a transitional State plan, submitted under paragraph (1)(A) 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 assistance for direct child care services and increase the supply and quality of child care providers within the State, in alignment with the requirements of this section.

(4) REQUIREMENTS FOR FULL STATE PLANS.— The Secretary shall award funds under this section to States with an approved application that contains a full State plan, submitted under paragraph (1)(B), 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 direct child care services for which assistance is provided in accordance with this section for the period covered by the plan, within 3 years after the State receives funds under this section—

(I) will be sufficient to meet the cost of child care, and set in accordance with a cost estimation model or cost study described in clause (ii) that is approved by the Secretary; and

(II) will correspond to differences in quality (including improved quality) based on the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B).

(ii) COST ESTIMATION.— Such State plan shall—

(I) demonstrate that the State has, after consulting with relevant entities and stakeholders, developed and uses a statistically valid and reliable cost estimation model or cost study for the payment rates for direct child care services in the State that reflect rates for providers at each of the tiers of the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B), and variations in the cost of direct child care services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive care;

(II) certify that the State's payment rates for direct child care services for which assistance is provided in accordance with this section

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(aa) are set in accordance with the most recent estimates from the most recent cost estimation model or cost study under subclause (I), so that providers at each tier of the tiered system for measuring provider quality described in subparagraph (B) receive a payment that is sufficient to meet the requirements of such tier;

(bb) are set so as to provide payments to providers not at the top tier of the tiered system that are sufficient to enable the providers to increase quality to meet the requirements for the next tier;

(cc) ensure adequate wages for staff of child care providers providing such direct child care services that—

(AA) at a minimum, provide a living wage for all staff of such child care providers; and

(BB) are equivalent to wages for elementary educators with similar credentials and experience in the State; and

(dd) are adjusted on an annual basis for cost of living increases to ensure those payment rates remain sufficient to meet the requirements of this section; and

(III) certify that the State will update, not less often than once every 3 years, the cost estimation model or cost study described in subclause

(I).

(I)

(iii) PAYMENT PRACTICES.— Such State plan shall include an assurance that the State will implement payment practices that support the fixed costs of providing direct child care services.

(B) TIERED SYSTEM FOR MEASURING THE QUALITY OF ELIGIBLE CHILD CARE PROVIDERS.— Such State plan shall certify that the State has implemented, or assure that the State will implement within 3 years after receiving funds under this section, a tiered system for measuring the quality of eligible child care providers who provide child care services for which assistance is made available under this section. Such tiered system shall—

(i) include a set of standards, for determining the tier of quality of a child care provider, that—

(I) uses standards for a highest tier that at a minimum are equivalent to Head Start program performance standards described in section 641A(a)(1)(B) of the Head Start Act (42 U.S.C. 9836a(a)(1)(B)) or other equivalent evidence-based standards approved by the Secretary; and

(II) includes quality indicators and thresholds that are appropriate for child development in different types of child care provider settings, including child care centers and the settings of family child care providers, and are appropriate for providers serving different age groups (including mixed age groups) of children;

(ii) include a different set of standards that includes indicators, when appropriate, for care during nontraditional hours of operation; and

(iii) provide for sufficient resources and supports for child care providers at tiers lower than the highest tier to facilitate progression toward meeting higher quality standards.

(C) ACHIEVING HIGH QUALITY FOR ALL CHILDREN.— Such State plan shall certify the State has implemented, or will implement within 3 years after receiving funds under this section, policies and financing practices that will ensure all eligible children can choose to attend child care at the highest quality tier within 6 years after the date of enactment of this Act.

(D) COMPENSATION.— Such plan shall provide a certification that the State has or will have within 3 years after receiving funds under this section, a wage ladder for staff of eligible child care providers receiving assistance under this section, including a certification that wages for such staff, at a minimum, will meet the requirements of subparagraph (A)(ii)(II)(cc).

(E) SLIDING FEE SCALE FOR COPAYMENTS.—

(i) IN GENERAL.— Except as provided in clause (ii)(I), the State plan shall provide an assurance that the State will for the period covered by the plan use a sliding fee scale described in clause (ii) to determine a copayment for a family receiving assistance under this section (or, for a family receiving part-time care, a reduced copayment that is the proportionate amount of the full copayment).

(ii) SLIDING FEE SCALE.— A full copayment described in clause (i) shall use a sliding fee scale that provides that, for a family with a family income—

(I) of not more than 75 percent of State median income for a family of the same size, the family shall not pay a copayment, toward the cost of the child care involved for all eligible children in the family;

(II) of more than 75 percent but not more than 100 percent of State median income for a family of the same size, the copayment shall be more than 0 but not more than 2 percent of that family income, toward such cost for all such children;

(III) of more than 100 percent but not more than 125 percent of State median income for a family of the same size, the copayment shall be more than 2 but not more than 4 percent of that family income, toward such cost for all such children;

(IV) of more than 125 percent but not more than 150 percent of State median income for a family of the same size, the copayment shall be more than 4 but not more than 7 percent of that family income, toward such cost for all such children; and

(V) of more than 150 percent but not more than 250 percent of the State median income for a family of the same size, the copayment shall be 7 percent of that family income, toward such cost for all such children.

(E) PROHIBITION ON CHARGING MORE THAN COPAYMENT.— The State plan shall certify that the State will not permit a child care provider receiving financial assistance under this section to charge, for child care for an eligible child, more than the total of—

(i) the financial assistance provided for the child under this section; and

(ii) any applicable copayment pursuant to subparagraph (E).

(G) ELIGIBILITY.— The State plan shall assure that each child who receives assistance under this section will be considered to meet all eligibility requirements for such assistance, and will receive such assistance, for not less than 12 months unless the child has aged out of the program, and the child's eligibility determination and redetermination, including any determination based on the State's definition of eligible activities, shall be implemented in a manner that supports child well-being and reduces barriers to enrollment, including continuity of services.

(H) POLICIES TO SUPPORT ACCESS TO CHILD CARE FOR UNDERSERVED POPULATIONS.— The State plan shall demonstrate that the State will prioritize increasing access to, and the quality and the supply of, child care in the State for underserved populations, including at a minimum, low-income children, children in underserved areas, infants and toddlers, children with disabilities and infants and toddlers with disabilities, children who are dual language learners, 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(c)(2)), and the policies and procedures described in section 658H of such Act (42 U.S.C. 9858f), to child care services provided under this section.

(J) LICENSING.— The State plan shall demonstrate that the State has consulted or will consult with organizations (including labor organizations) representing child care directors, teachers, or other staff, early childhood education and development experts, and families to develop, within 3 years after receiving funds under this section, licensing standards appropriate for child care providers and a pathway to such licensure that is available to and appropriate for child care providers in a variety of settings, that will offer providers eligible under the Child Care and Development Block Grant Act of 1990 a reasonable pathway to become eligible providers under this section, and that will assure an adequate supply of child care.

(g) PAYMENTS.—

(1) TRANSITION PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—

(A) DEFINITIONS.— For purposes of this paragraph—

(i) the term "State" means the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico; and

(ii) the term "territory" means Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands.

(B) ALLOTMENTS.— For each of fiscal years 2022 through 2024, the Secretary shall, from the amount appropriated under subsection (c)(1)(A) for such fiscal year, make allotments to each State with an application approved under subsection (f) in the same manner as the Secretary makes such allotments using the formula under section 658O(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858n(b)).

(C) PAYMENTS.—

(i) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—

(I) IN GENERAL.— For each of fiscal years 2022 through 2024, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (c)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subclause (II), and the Tribes and Tribal organizations shall be entitled to such payments for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(II) APPLICATIONS.— An Indian Tribe or Tribal organization seeking a payment under this clause shall submit an application to the Secretary at

such time, in such manner, and containing such information as the Secretary may specify, including the agreement described in subsection (j)(Z).

(III) SPECIAL RULE.— The Secretary shall determine eligibility criteria for children from Indian tribes.

(ii) TERRITORIES.—

(I) IN GENERAL.— For each of fiscal years 2022 through 2024, from the amount appropriated for territories under subsection (c)(3)(A), the Secretary shall make payments to the territories with an application approved under subclause (II), and the territories shall be entitled to such payments, for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(II) APPLICATIONS.— A territory seeking a payment under this clause shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may specify, including the agreement described in subsection (j)(Z).

(iii) STATES.— For each of fiscal years 2022 through 2024, each State that has an application approved under subsection (f) shall be entitled to a payment under this clause in the amount equal to its allotment under subparagraph (B) for such fiscal year.

(D) AUTHORITIES.— 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 (B) from any State without an approved application under subsection (f), Indian Tribe or Tribal organization without an approved application under subparagraph (C)(i)(II), and any territory without an approved application under subparagraph (C)(ii)(II) by the date required by the Secretary, to States with an approved application under that subsection, to Tribes or Tribal organizations with an approved application under subparagraph (C)(i)(II), and to territories with an approved application under subparagraph (C)(ii)(II).

(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 95.440 percent of expenditures (which shall be the Federal share of such expenditures) in the quarter for direct child care services described under subsection (h)(2)(B) for eligible children.

(II) EXCEPTION.— Funds reserved from the total under subsection (h)(2)(C) shall be subject to clause (ii).

(III) PROHIBITION.— Activities described in clause (ii) and clause (iii) may not be included in the cost of direct child care services described in this clause.

(ii) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.— The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to the product of 1.06045 and the FMAP of expenditures (which product shall be the Federal share of such expenditures) to carry out activities to improve the quality and supply of child care services under subsection (h)(2)(C) subject to the limit specified in clause (i) of such subsection.

(iii) ADMINISTRATION.— The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to 53.022 percent of expenditures (which shall be the Federal share of such expenditures) for the costs of administration incurred by the State—

(I) which shall include costs incurred by the State in carrying out the child care program established in this section; and

(II) which may include, at the option of the State, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858f).

(B) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.— For each of fiscal years 2025 through 2027, the Secretary shall make payments under this paragraph for a period on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payments as necessary to adjust for any overpayment or underpayment for previous periods. No interest shall be charged or paid on any amount due because of an overpayment or underpayment for previous periods.

(C) TERRITORIES AND TRIBES.— For each of fiscal years 2025 through 2027, from the amounts appropriated under paragraph (2)(B) or (3)(B) of subsection (c) the Secretary shall make payments to territories, and Indian Tribes and Tribal organizations, as the case may be, with applications submitted as described in paragraph (1), and approved by the Secretary for the purpose of carrying out the child care program described in this section, consistent, to the extent practicable as determined by the Secretary (subject to subsection (d)(2)), with the requirements applicable to States. Each entity that is such a territory, Indian Tribe, or Tribal organization shall be entitled to such a payment as may be necessary to carry out the activities described in subsection (h)(2), and to pay for the costs of administration incurred by the entity, which shall include costs incurred by the entity in carrying out the child care program, and which may include, at the option of the entity, costs associated with carrying out requirements, policies, and procedures described in section 658H of the Child Care and Development Block Grant Act of 1990.

(h) USE OF FUNDS.—(1) USE OF FUNDS FOR TRANSITION YEARS.—

(A) IN GENERAL.— For each of fiscal years 2022 through 2024, a State (as defined in subsection (g)(1)) that receives a payment under subsection (g)(1) shall use such payment for—

(i) assistance for direct child care services, which shall consist only of—

(I) expanding access to assistance for direct child care services for eligible children through grants and contracts, and child care certificates;

(II) increasing child care provider payment rates to support the cost of providing high-quality direct child care services, including rates sufficient to support increased wages for staff of eligible child care providers; and

(III) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;

(ii) activities described in paragraph (2)(C); and

(iii) activities described in subsection (g)(2)(A)(iii).

(B) ACTIVITIES.— A State that receives an amount through the payments for a fiscal year for activities described in subparagraph (A)(iii), and uses only part of that amount for those activities, shall use the remainder for activities described in clause (i) or (ii) of subparagraph (A) for that fiscal year.

(C) SPECIAL RULE.—

(i) COVERED CHILD.— In this subparagraph, the term "covered child" means a child—

(I) who meets the requirements of subparagraphs (A), (B), and (D) of subsection (b)(4); and

(II) whose family income, for the fiscal year, exceeds the percentage specified in subsection (b)(4)(C) (but does not exceed 250 percent) of State median income for a family of the same size for that fiscal year.

(ii) RULE.— A State may use the payments under subsection (g)(1) for fiscal year 2022, 2023, or 2024, to provide direct child care services described in subparagraph (A)(i) to covered children if the State has appropriately prioritized enrollment to receive such services based on family income, as determined by the Secretary. A child who is eligible to receive such services under this subparagraph shall be treated as an eligible child for the other provisions of this section.

(2) USE OF FUNDS FOR FISCAL YEARS 2025 THROUGH 2027.—

(A) IN GENERAL.— Starting on October 1, 2024, a State shall use amounts provided to the State under subsection (g)(2) for direct child care services (provided on a sliding fee scale basis), activities to improve the quality and supply

of child care services consistent with paragraph (C), and State administration consistent with subsection (g)(2)(A)(iii).

(B) CHILD CARE ASSISTANCE FOR ELIGIBLE CHILDREN.—

(i) IN GENERAL.— For each of fiscal years 2025 through 2027, from payments made to the State under subsection (g)(2) for that particular fiscal year, the State shall ensure that parents of eligible children can access direct child care services provided by an eligible child care provider under this section through a grant or contract as described in clause (ii) or a certificate as described in clause (iii).

(ii) GRANTS AND CONTRACTS.— The State shall award grants or contracts to eligible child care providers, consistent with the requirements under this section, for the provision of child care services for eligible children under this section that, at a minimum—

(I) support providers' operating expenses to meet and sustain health, safety, quality, and wage standards required under this section; and

(II) address underserved populations described in subsection (f)(4).

(H).

(iii) CERTIFICATES.— The State shall issue a child care certificate directly to a parent who shall use such certificate only as payment for direct child care services or as a deposit for direct child care services if such a deposit is required of other children being cared for by the provider, consistent with the requirements under this section.

(C) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—

(i) QUALITY CHILD CARE ACTIVITIES.—

(I) AMOUNT.— For each of fiscal years 2025 through 2027, from the total of the payments made to the State for a particular fiscal year, the State shall reserve and use a quality child care amount equal to not less than 5 percent and not more than 10 percent of the amount made available to the State through such payments for the previous fiscal year.

(II) USE OF QUALITY CHILD CARE AMOUNT.— Each State shall use the quality child care amount described in subclause (I) to implement activities described in this subparagraph to improve the quality and supply of child care services by eligible child care providers, and increase the number of available slots in the State for child care services funded under this section, prioritizing assistance for child care providers who are in underserved communities and who are 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, achieving licensure, and meeting requirements in the State's tiered system for measuring the quality of eligible child care providers.

(bb) REQUIREMENT.— As a condition of receiving a startup or supply expansion grant under this subclause, a child care provider shall commit to meeting the requirements of an eligible provider under this section, and providing child care services to children receiving assistance under this section on an ongoing basis.

(II) QUALITY GRANTS.— From a portion of the quality child care amount, a State shall provide quality grants to support eligible child care providers in providing child care services to children receiving assistance under this section to improve the quality of such providers, including—

(aa) supporting such providers in meeting or making progress toward the requirements for the highest tier of the State's tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(B); and

(bb) supporting such providers in sustaining child care quality, including supporting increased wages for staff and supporting payment of fixed costs.

(III) FACILITIES GRANTS.—

(aa) IN GENERAL.— From a portion of the quality child care amount, a State shall provide support, including through awarding

facilities grants, for remodeling, renovation, or repair of a building or facility to the extent permitted under section 658F(b) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858).

(bb) ADDITIONAL USES.— For fiscal years 2022 through 2024, and in subsequent years with approval from the Secretary, a State may award such facilities grants for construction, permanent improvement, or major renovation of a building or facility primarily used for providing direct child care services, in accordance with the following:

(AA) Federal interest provisions will not apply to the renovation or rebuilding of privately-owned family child care homes under this subclause.

(BB) Eligible child care providers may not use funds for buildings or facilities that are used primarily for sectarian instruction or religious worship.

(CC) The Secretary shall develop parameters on the use of funds under this subclause for family child care homes.

(DD) The Secretary shall not retain Federal interest after a period of 10 years in any facility built, renovated, or repaired with funds awarded under this subclause.

(IV) LIMITATION.— For purposes of subclause (III), the Secretary shall not—

(aa) enter into any agreement related to funds for activities carried out under subclause (III)—

(AA) that is for a term extending beyond September 30, 2031; and

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

(bb) use any other funds available to the Secretary, other than funds provided under this section, to satisfy obligations initially made for activities carried out under subclause (III).

(V) STATE ACTIVITIES TO IMPROVE THE QUALITY OF CHILD CARE SERVICES.— A State shall use a portion of the quality child care amount to improve the quality of child care services available for this program, which shall include—

(aa) supporting the training and professional development of the early childhood workforce, including supporting degree attainment and credentialing for early childhood educators;

(bb) developing, implementing, or enhancing the State's tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(B);

(cc) improving the supply and quality of developmentally appropriate and inclusive child care programs and services for underserved populations described in subsection (f)(4)(H); and

(dd) improving access to child care services for children experiencing homelessness and children in foster care.

(VI) TECHNICAL ASSISTANCE.— From a portion of the quality child care amount, the State shall provide technical assistance to increase the supply and quality of eligible child care providers who are providing, or seeking to provide, child care services to children receiving assistance under this section, including providing support to enable providers to achieve licensure.

(i) GRANTS TO LOCALITIES AND AWARDS TO HEAD START PROGRAMS.—

(1) ELIGIBLE LOCALITY DEFINED.— In this subsection, the term "eligible locality" means a city, county, or other unit of general local government.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.— The Secretary shall use funds appropriated under subsection (c)(4) to award local Birth Through Five Child Care and Early Learning Grants to eligible localities located in States that have not received payments under subsection (g). The Secretary shall award the grants to eligible localities in such a State from the allotment made for that State under subparagraph (B).

(B) ALLOTMENTS.—

(i) POVERTY LINE DEFINED.— In this subparagraph, the term "poverty line" means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(ii) GENERAL AUTHORITY.— For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (c)(4) for the fiscal year as the number of children from families with family incomes that are below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.— To receive a grant from the corresponding State allotment under subparagraph (B), an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under subsection (f).

(D) REQUIREMENTS.— The Secretary shall specify the requirements for an eligible locality to provide access to child care, which child care requirements shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section.

(E) RECOUPMENT OF UNUSED FUNDS.— Notwithstanding any other provision of this section, for each of fiscal years 2023 through 2027, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.— If the Secretary determines that an area of a State described in paragraph (2)(A) will not be adequately served under this subsection, either because no eligible locality applied to serve the area or because no application submitted by an eligible locality was considered sufficient, then the Secretary shall use funds appropriated under subsection (c)(5) to make an award to a Head Start agency to carry out the purposes of the Head Start Act in that area.

(B) RULE.— For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a "base grant" as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(4) PRIORITY FOR SERVING UNDERSERVED POPULATIONS.— In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to entities serving a high percentage of individuals from underserved populations described in subsection (f)(4)(H).

(j) PROGRAM REQUIREMENTS.—

(1) NONDISCRIMINATION.— The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(A) Title IX of the Education Amendments of 1972.

(B) Title VI of the Civil Rights Act of 1964.

(C) Section 504 of the Rehabilitation Act of 1973.

(D) The Americans with Disabilities Act of 1990.

(E) Section 654 of the Head Start Act.

(2) PROHIBITION ON ADDITIONAL ELIGIBILITY REQUIREMENTS.— No individual shall be determined, by the Secretary, a State, or another recipient of funds under this section, to be ineligible for child care services provided under this section, except on the basis of eligibility requirements specified in or under this section.

(3) MAINTENANCE OF EFFORT.—

(A) IN GENERAL.— A State that receives payments under this section for a fiscal year, in using the funds made available through the payments, shall maintain the expenditures of the State for child care services at the average level of such expenditures by the State for the 3 preceding fiscal years.

(B) COUNTING RULE.— State expenditures counted for purposes of meeting the requirement in subparagraph (A) may also be counted for purposes of

meeting the requirement to provide a non-Federal share under clause (i), (ii), or (iii), as appropriate, of subsection (g)(2)(A).

(4) SUPPLEMENT NOT SUPPLANT.— Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to provide child care services in the State.

(5) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.— For purposes of providing the non-Federal share required under subsection (g)(2), a State's non-Federal share—

(A) for direct child care services described in subsection (g)(2)(A)(i)—

(i) shall not include contributions being used as a non-Federal share or match for another Federal award; and

(ii) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(B) for activities to improve the quality and supply of child care services described in subsection (g)(2)(A)(ii), and administration described in subsection (g)(2)(A)(iii)—

(i) shall not include contributions being used as a non-Federal share or match for another Federal award;

(ii) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(iii) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services.

(6) INFORMATION FOR DETERMINATIONS.— For purposes of determinations of participation in an eligible activity, the provision of information for such determinations by Federal agencies other than the Department of Health and Human Services shall not be required.

(7) REPORTS.— The State plan described in subsection (f) shall include an agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of the funds received under this section, as the Secretary may require for the administration of this section. The State shall begin to provide the reports beginning not later than 60 days after its initial receipt of a payment under subsection (g)(1).

(k) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.— The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the plan described in subsection (f)(4).

(2) ISSUANCE OF RULE.— The Secretary shall establish by rule procedures for—

(A) receiving, ⁽¹⁾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.

(J). FEDERAL ADMINISTRATION.— Using funds reserved under subsection (c)(6), the Secretary shall carry out administration of this section, shall provide (including through the use of grants or cooperative agreements) technical assistance to States, territories, Indian Tribes, and Tribal organizations, and shall carry out research, and evaluations related to this section.

(m) TRANSITION PROVISIONS.—

(1) TREATMENT OF CHILD CARE AND DEVELOPMENT BLOCK GRANT FUNDS.— For each of fiscal years 2025, 2026, and 2027, a State receiving assistance under this section shall not use more than 10 percent of any funds received under the Child Care and Development Block Grant Act of 1990 to provide assistance for direct child care services to children 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 on the date funding is first allocated to the lead agency for the State, territory, Indian Tribe, or Tribal organization involved under this section—

(A) shall be deemed immediately eligible to receive assistance under this section; and

(B) may continue to use the child care provider of the family's choice.

(3) TRANSITION PROCEDURES.— The Secretary is authorized to institute procedures for implementing this section, including issuing guidance for States receiving funds under subsection (g)(1).

Sec. 23002. Universal preschool

(a) DEFINITIONS.— In this section:

(1) CHILD EXPERIENCING HOMELESSNESS.— The term "child experiencing homelessness" means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11434a).

(2) CHILD WITH A DISABILITY.— The term "child with a disability" has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.— The term "comprehensive services" means services that are provided to low-income children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the 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 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 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 ½ of 4 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) ½ of 1 percent for eligible local entities that serve children in families who are

engaged in migrant or seasonal agricultural labor, for activities described in this section; (D) for Federal activities, including administration, 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)), notwithstanding 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 subsection (e). (e) 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) Preschool 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 Secretary, in collaboration with the Secretary of Education, 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, including— (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 determined 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 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; (vi) at a minimum, provide a living wage for all staff of such providers; and (vii) 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. 9858c(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 (including 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 includes— (A) an assurance that the State will submit 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 expand access to universal, high-quality, free, inclusive, and mixed-delivery preschool programs in alignment with the requirements of this title. (d) Subgrants and contracts for local preschool programs.— (1) Subgrants and contracts.— (A) In general.— A State that receives a payment under subsection (c)(2)(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 suspended, or the subgrant period is reduced, for cause. (2) Enhanced~~

~~payments for comprehensive services. In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer 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 subsection (c)(6)(B) by awarding subgrants or contracts to eligible providers operating within, or with capacity to operate within and across, such high-need communities. Such subgrants or contracts shall be used to enroll and serve children in the preschool program, including— (i) personnel (including classroom and administrative personnel), including compensation and benefits; (ii) costs associated with implementing 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 appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums; (v) materials, equipment and supplies; (vi) meeting health and safety standards, 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 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 programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs; (3) shall not include contributions being used as a non-Federal share or match for another Federal award; (4) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions and (5) shall count 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 (c)(2) (referred to in this paragraph as the "reduction fiscal year") relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in 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 programs 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.); (3) Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. 794); (4) The Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.); (5) Section 654 of the Head Start Act (42 U.S.C. 9849) ing of section 636 of the Head Start Act (42 U.S.C. 9831).~~

(4) DUAL LANGUAGE LEARNER.— The term "dual language learner" means a child who is learning 2 or more languages at the same time, or a child who is learning a second language while continuing to develop the child's first language.

(5) ELIGIBLE CHILD.— The term "eligible child" means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.— The term "eligible provider" means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety standards;

(B) a Head Start agency or delegate agency funded under the Head Start Act;

(C) a licensed center-based child care provider, licensed family child care provider, or community- or neighborhood-based network of licensed family child care providers; or

(D) a consortium of entities described in any of subparagraphs (A), (B), and (C).

(7) INDIAN TRIBE.— The term "Indian Tribe" has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(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 (20 U.S.C. 7801).

(9) POVERTY LINE.— The term "poverty line" means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(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.

(I)

(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).

(b) UNIVERSAL PRESCHOOL.—

(1) APPROPRIATIONS FOR STATES.—

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

(i) \$4,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2022;

(ii) \$6,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2023; and

(iii) \$8,000,000,000, to remain available until September 30, 2027, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)) in fiscal year 2024.

(B) ADDITIONAL APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, to remain available for 1 additional fiscal year, for payments to States, for carrying out this section (except provisions and activities covered by paragraph (2)).

(2) ADDITIONAL APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(A) \$2,500,000,000 for carrying out payments to Indian Tribes and Tribal organizations for activities described in this section in fiscal years 2022 through 2027;

(B) \$1,000,000,000 for carrying out payments to the territories, to be distributed among the territories on the basis of their relative need, as determined by the Secretary in accordance with the objectives of this section, for activities described in this section in fiscal years 2022 through 2027;

(C) \$300,000,000 for carrying out payments to eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section, in fiscal years 2022 through 2027;

(D)

(I)

(i) \$165,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2022;

(ii) \$200,000,000 to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2023;

(iii) \$200,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2024;

(iv) \$208,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2025;

(v) \$212,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2026; and

(vi) \$216,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2027;

(E).

(i) \$2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A) (i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a) (5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2022;

(ii) \$2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A) (i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a) (5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2023;

(iii) \$2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A) (i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a) (5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2024;

(iv) ⁽ⁱ⁾ \$2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)

(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2025;

(v) \$2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2026; and

(vi) \$2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2027;

(E).

(i) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (e)(2) in fiscal year 2023;

(ii) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (e)(2) in fiscal year 2024;

(iii) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (e)(2) in fiscal year 2025;

(iv) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (e)(2) in fiscal year 2026; and

(v) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (e)(2) in fiscal year 2027; and

(G).

(i) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (e)(3) in fiscal year 2023;

(ii) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (e)(3) in fiscal year 2024;

(iii) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (e)(3) in fiscal year 2025;

(iv) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in

subsection (e)(3) in fiscal year 2026; and

(v) \$2,000,000,000, to remain available until September 30, 2027, to carry out the program of awards to Head Start agencies described in subsection (e)(3) in fiscal year 2027.

(c) PAYMENTS FOR STATE UNIVERSAL PRESCHOOL SERVICES.—

(1) IN GENERAL.— A State that has submitted, and had approved by the Secretary, the State plan described in paragraph (5) is entitled to a payment under this subsection.

(2) PAYMENTS TO STATES.—

(A) TRANSITION PAYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.— From amounts made available under subsection (b)(1) for any of fiscal years 2022 through 2024, the Secretary, in collaboration with the Secretary of Education, shall allot for the fiscal year, to each State that has a State plan under paragraph (5) or transitional State plan under paragraph (7) that is approved for a period including that fiscal year, an amount for the purpose of providing grants to eligible providers to provide high-quality preschool, using a formula that considers—

(i) the proportion of the number of children who are below the age of 6 and whose families have a family income at or below 200 percent of the poverty line for the most recent year for which satisfactory data are available, residing in the State, as compared to the number of such children, who reside in all States with approved plans for the fiscal year for which the allotment is being made; and

(ii) the existing Federal preschool investments in the State under the Head Start Act, as of the date of the allotment.

(B) PAYMENTS FOR FISCAL YEARS 2025 THROUGH 2027.—

(i) PRESCHOOL SERVICES.— For each of fiscal years 2025 through 2027, the Secretary shall pay to each State with an approved State plan under paragraph (5), an amount for that year equal to—

(I) 95.440 percent of the State's expenditures in the year for preschool services provided under subsection (d), for fiscal year 2025;

(II) 79.534 percent of the State's expenditures in the year for such preschool services, for fiscal year 2026; and

(III) 63.627 percent of the State's expenditures in the year for such preschool services, for fiscal year 2027.

(ii) STATE ACTIVITIES.— The Secretary shall pay to each State with an approved State plan under paragraph (5) an amount for a fiscal year equal to 53.022 percent of the amount of the State's expenditures for the activities described in paragraph (3), except that in no case shall a payment for a fiscal year under this clause exceed the amount equal to 10 percent of the State's expenditures described in clause (i) for such fiscal year.

(iii) NON-FEDERAL SHARE.— The remainder of the cost paid by the State for preschool services, that is not provided under clause (i), shall be considered the non-Federal share of the cost of those services. The remainder of the cost paid by the State for State activities, that is not provided under clause (ii), shall be considered the non-Federal share of the cost of those activities.

(iv) ADVANCE PAYMENT; RETROSPECTIVE ADJUSTMENT.— The Secretary shall make a payment under clause (i) or (ii) for a year on the basis of advance estimates of expenditures submitted by the State and such other investigation as the Secretary may find necessary, and shall reduce or increase the payment as necessary to adjust for any overpayment or underpayment for a previous year.

(C) AUTHORITIES.— 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 State plan under paragraph (5) by the date required by the Secretary, to States with an approved application under that paragraph.

(3) STATE ACTIVITIES.— A State that receives a payment under paragraph (2) shall carry out all of the following activities:

(A) State administration of the State preschool program described in this section.

(B) Supporting a continuous quality improvement system for providers of preschool services participating, or seeking to participate, in the State preschool program, through the use of data, researching, monitoring, training, technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment support for families of eligible children.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including baccalaureate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating a statewide needs assessment of access to high-quality preschool services.

(4) LEAD AGENCY.— The Governor of a State desiring 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 State preschool program under this section.

(I)

(5) STATE PLAN.— In order to be eligible for payments under this section, the Governor of a State shall submit a State plan to the Secretary for approval by the Secretary, in collaboration with the Secretary of Education, at such time, in such manner, and containing such information as the Secretary shall by rule require, that includes a plan for achieving universal, high-quality, free, inclusive, and mixed-delivery preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(i) the State has in place developmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 641A(a)(1) of the Head Start Act (42 U.S.C. 9836a(a)(1)) and include program standards for class sizes and ratios; and

(ii) the State will coordinate such standards with other early learning standards in the State.

(B) An assurance that the State will ensure—

(i) all preschool services in the State funded under this section will—

(I) be universally available to all children in the State without any additional eligibility requirements;

(II) be high-quality, free, and inclusive; and

(III) by not later than 1 year after the State receives such funding, meet the State's preschool education standards described in subparagraph (A); and

(ii) that the local preschool programs in the State funded under this section will—

(I) offer programming that meets the duration requirements of at least 1,020 annual hours;

(II) adopt policies and practices to conduct outreach and provide expedited enrollment, including prioritization, to—

(aa) children experiencing homelessness;

(bb) children in foster care or kinship care;

(cc) children in families who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible children who are served under part C of the Individuals with Disabilities Education Act; and

(ee) dual language learners;

(III) provide for salaries, and set schedules for salaries, for staff of providers in the State preschool program that are equivalent to salaries of elementary school staff with similar credentials and experience;

(IV) at a minimum, provide a living wage for all staff of such providers; and

(V) require educational qualifications for teachers in the preschool program including, at a minimum, requiring that lead teachers in the preschool program have a baccalaureate degree in early childhood education or a related field by not later than 6 years after the date on which the State first receives funds under this Act, except that—

(aa) subject to item (bb), the requirements under this subclause shall not apply to individuals who were employed by an eligible provider or early education program for a cumulative 3 of the 5 years immediately preceding the date of enactment of this Act and have the necessary content knowledge and teaching skills for early childhood educators, as demonstrated through measures determined by the State; and

(bb) nothing in this section shall require the State to lessen State requirements for educational qualifications, in existence on the date of enactment of this Act, to serve as a teacher in a State preschool program.

(C) For States with existing publicly funded State preschool programs (as of the date of submission of the State plan), a description of how the State plans to use funding provided under this section to ensure that such existing programs in the State meet the requirements of this section for a State preschool program.

(D) A description of how the State, in establishing and operating the State preschool program supported under this section, will—

(i) support a mixed-delivery system for any new slots funded under this section; including by facilitating the participation of Head Start programs and programs offered by licensed child care providers;

(ii) ensure the State preschool program does not disrupt the stability of infant and toddler child care throughout the State;

(iii) ensure adequate consultation with the State Advisory Council on Early Childhood Education and Care designated or established in section 642B(b)(1)(A)(i) of the Head Start Act (42 U.S.C. 9837b(b)(1)(A)(i)) in the development of its plan, including consultation in how the State intends to distribute slots under clause (v);

(iv) partner with Head Start agencies to ensure the full utilization of Head Start programs within the State; and

(v) distribute new preschool slots equitably among child care (including family child care) providers, Head Start agencies, and schools within the State.

(E) A certification that the State, in operating the program described in this section for a fiscal year—

(i) will not reduce the total preschool slots provided in State-funded preschool programs from the number of such slots in the previous fiscal year; or

(ii) if the number of eligible children identified in the State declines from the previous fiscal year, will maintain at least the previous year's ratio of the total preschool slots described in clause (i) to eligible children so identified.

(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, and a description of how the State will collaborate with entities carrying out programs under section 619 or part C of the Individuals with Disabilities Education Act, to support inclusive preschool programs.

(G) A certification that the State will support the continuous quality improvement of programs providing preschool services under this section, including support through technical assistance, monitoring, and research.

(H) A certification that the State will ensure a highly qualified early childhood workforce to support the requirements of this section.

(I) An assurance that the State will meet the requirements of clauses (ii) and (iii) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and assessments under this section.

(J) A certification that subgrant and contract amounts provided as described in subsection (d) will be sufficient to enable eligible providers to meet the requirements of this section, and will provide for increased payment amounts based on the criteria described in subclauses (III) and (IV) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary such periodic reports, providing a detailed accounting of the uses of funding received under this section, as the Secretary may require for the administration of this section.

(6) DURATION OF THE PLAN.— Each State plan shall remain in effect for a period of 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) TRANSITIONAL STATE PLAN.—

(A) IN GENERAL.— The Secretary shall develop parameters for, and allow a State to submit for purposes of this subsection for a period of not more than 3 years, a transitional State plan, at such time, in such manner and containing such information as the Secretary shall by rule require.

(B) CONTENTS.— The transitional plan shall—

(i) demonstrate that the State will meet the requirements of such plan as determined by the Secretary; and

(ii) include, at a minimum—

(I) an assurance that the State will submit a State plan under paragraph (5);

(II) a description of how the funds received by the State under this section will be spent to expand access to universal, high-quality, free, inclusive, and mixed-delivery preschool in alignment with the requirements of this section; and

(III) such data as the Secretary may require on the provision of preschool services in the State.

(d) SUBGRANTS AND CONTRACTS FOR LOCAL PRESCHOOL PROGRAMS.—

(1) SUBGRANTS AND CONTRACTS.—

(A) IN GENERAL.— A State that receives a payment under subsection (c)(2) for a fiscal year shall use amounts provided through the payment to pay the costs of subgrants to, or contracts with, eligible providers to operate universal, high-quality, free, and inclusive preschool programs (which State-funded programs may be referred to in this section as "local preschool programs") through the State preschool program in accordance with paragraph (3). A State shall reduce or increase the amounts provided under such subgrants or contracts if needed to adjust for any overpayment or underpayment described in subsection (c)(2)(B)(iv).

(B) AMOUNT.— A State shall award a subgrant or contract under this subsection in a sufficient amount to enable the eligible provider to operate a local preschool program that meets the requirements of subsection (c)(5)(B), which amount shall reflect variations in the cost of preschool services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive preschool services for children with disabilities.

(C) DURATION.— The State shall award a subgrant or contract under this subsection for a period of not less than 3 years, unless the subgrant or contract is terminated or suspended, or the subgrant period is reduced, for cause.

(2) ENHANCED PAYMENTS FOR COMPREHENSIVE SERVICES.— In awarding subgrants or contracts under this subsection and in addition to meeting the requirements of paragraph (1)(B), the State shall award subgrants or contracts with enhanced payments to eligible providers that offer local preschool programs funded under this subsection to a high percentage of low-income children to support comprehensive services.

(3) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS.—

(A) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN HIGH-NEED COMMUNITIES.— In awarding subgrants or contracts under this subsection, the State shall first prioritize establishing and expanding universal local preschool programs within and across high-need communities by awarding subgrants or contracts to eligible providers operating within and across, or with capacity to operate within and across, such high-need communities. The State shall—

(i) use a research-based methodology approved by the Secretary to identify such high-need communities, as determined by—

(I) the rate of poverty in the community;

(II) rates of access to high-quality preschool within the community;

and

(III) other indicators of community need as required by the Secretary; and

(ii) distribute funding for preschool services under this section within such a high-need community so that a majority of children in the community are offered such preschool services before the State establishes and expands preschool services in communities with lower levels of need.

(B) USE OF FUNDS.— Subgrants or contracts awarded under subparagraph (A) shall be used to enroll and serve children in such a local preschool program involved, including by paying the costs—

(i) of personnel (including classroom and administrative personnel), including compensation and benefits;

(ii) associated with implementing the State's preschool standards, providing curriculum supports, and meeting early learning and development standards;

(iii) of professional development, teacher supports, and training;

(iv) of implementing and meeting developmentally appropriate health and safety standards (including licensure, where applicable), teacher to child ratios, and group size maximums;

(v) of materials, equipment, and supplies; and

(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) ESTABLISHING AND EXPANDING UNIVERSAL PRESCHOOL PROGRAMS IN ADDITIONAL COMMUNITIES.— Once a State that receives a payment under subsection (c)(2) meets the requirements of paragraph (3) with respect to establishing and expanding local preschool programs within and across high-need communities, the State shall use funds from such payment to enroll and serve children in local preschool programs, as described in such paragraph, in additional communities in accordance with the metrics described in paragraph (3)(A)(i). Such funds shall be used for the activities described in clauses (i) through (vi) of paragraph (3)(B).

(e) GRANTS TO LOCALITIES AND HEAD START EXPANSION IN NONPARTICIPATING STATES.

(1) ELIGIBLE LOCALITY DEFINED.— In this subsection, the term "eligible locality" means a city, county, or other unit of general local government, a local educational agency, or a Head Start agency designated under the Head Start Act.

(2) GRANTS TO LOCALITIES.—

(A) IN GENERAL.— The Secretary shall use funds reserved in subsection (b)(2)(F) to award local universal preschool grants, in accordance with rules established by the Secretary, to eligible localities located in States that have not received payments under subsection (c)(2)(A). The Secretary shall award the grants to eligible localities in a State from the allotment made for that State under subparagraph (B). The Secretary shall specify the requirements for an eligible locality to conduct a preschool program under this subsection which shall, to the greatest extent practicable, be consistent with the requirements applicable to States under this section, for a universal, high-quality, free, and inclusive preschool program.

(B) ALLOTMENTS.— For each State described in subparagraph (A), the Secretary shall allot for the State for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (b)(2)(F) for the fiscal year as the number of children from families with family incomes at or below 200 percent of the poverty line, and who are under the age of 6, in the State bears to the total number of all such children in all States described in subparagraph (A).

(C) APPLICATION.— To receive a grant from the corresponding State allotment under this subsection, an eligible locality shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the State plan requirements applicable to States under this section.

(D) RECOUPMENT OF UNUSED FUNDS.— Notwithstanding any other provision of this section, for each of fiscal years 2023 through 2027, the Secretary shall have the authority to recoup any unused funds allotted under subparagraph (B) for awards under paragraph (3)(A) to Head Start agencies in accordance with paragraph (3).

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—

(A) IN GENERAL.— If the Secretary determines that an area of a State described in paragraph (2)(A) will not be adequately served under this subsection, either because no eligible locality applied to serve the area or because no application submitted by an eligible locality was considered sufficient, then the Secretary shall use funds appropriated under subsection (b)(2)(G) to make an award to a Head Start agency to carry out the purposes of the Head Start Act in that area.

(B) RULE.— For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the calculation of a "base grant" as such term is defined in section 640(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(4) PRIORITY FOR SERVING UNDERSERVED COMMUNITIES.— In making determinations to award a grant or make an award under this subsection, the

Secretary shall give priority to entities serving communities with a high percentage of low-income children as described in subsection (d)(2).

(f) ALLOWABLE SOURCES OF NON-FEDERAL SHARE.— For purposes of calculating the amount of the non-Federal share, as determined under subsection (c)(2)(B)(iii), relating to a payment under subsection (c)(2)(B), a State's non-Federal share—

(1) may be in cash or in kind, fairly evaluated, including facilities or property, equipment, or services;

(2) shall include any increase in amounts spent by the State to expand half-day kindergarten programs in the State, as of the day before the date of enactment of this Act, into full-day kindergarten programs;

(3) shall not include contributions being used as a non-Federal share or match for another Federal award;

(4) shall be provided from State or local sources, contributions from philanthropy or other private organizations, or a combination of such sources and contributions; and

(5) shall count not more than 100 percent of the State's current spending on prekindergarten programs, calculated as the average amount of such spending by the State for fiscal years 2019, 2020, and 2021, toward the State's non-Federal share.

(g) MAINTENANCE OF EFFORT.—

(1) IN GENERAL.— If a State reduces its combined fiscal effort per child for the State preschool program (whether a publicly funded preschool program or a program under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending on preschool services for any fiscal year that a State receives payments under subsection (c)(2) (referred to in this paragraph as the "reduction fiscal year") relative to the previous fiscal year, the Secretary, in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal effort for such reduction fiscal year.

(2) WAIVER.— The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretaries determine that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, including for early childhood education programs; or

(B) due to the circumstance of a State requiring reductions in specific programs, including early childhood education programs, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education programs in the State will not be disproportionately harmed by such State reductions.

(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 prekindergarten programs in the State on the date of enactment of this Act.

(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.

(2) Title VI of the Civil Rights Act of 1964.

(3) Section 504 of the Rehabilitation Act of 1973.

(4) The Americans with Disabilities Act of 1990.

(5) Section 654 of the Head Start Act.

(j) MONITORING AND ENFORCEMENT.—

(1) REVIEW OF COMPLIANCE WITH REQUIREMENTS AND STATE PLAN.— The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the State plan described in subsection (c)(5).

(2) ISSUANCE OF RULE.— The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section;

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section; and

(C) imposing sanctions under this subsection for such a failure.

Subtitle E— Child Nutrition and Related Programs

Sec. 24001. Expanding community eligibility

(a) MULTIPLIER AND THRESHOLD ADJUSTED.—

(1) MULTIPLIER.— Clause (vii) of section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759a(a)(1)(F)) is amended to read as follows:

"(vii) MULTIPLIER.—

"(I) IMPLEMENTATION IN 2022–2030~~26~~.— For each school year beginning on or after July 1, 2022, and ending before July 1, 2030~~26~~, the Secretary shall use a multiplier of 2.5.

"(II) IMPLEMENTATION AFTER 2030~~26~~.— For each school year beginning on or after July 1, 2030~~26~~, 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~~26~~.— For each school year beginning on or after July 1, 2022, and ending before July 1, 2030~~26~~, the threshold shall be not more than 25 percent.

"(II) IMPLEMENTATION AFTER 2030~~26~~.— For each school year beginning on or after July 1, 2030~~26~~, the threshold shall be not more than 40 percent."

~~(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 ELIGIBILITY.— For each school year beginning on or after July 1, 2022, and ending before July 1, 2030~~26~~, the Secretary shall establish a statewide community eligibility program under which, in the case of a State agency that agrees to provide funding from sources other than Federal funds to ensure that local educational agencies in the State receive the free reimbursement rate for 100 percent of the meals served at applicable schools—

"(I) the multiplier described in clause (vii) shall apply;

"(II) ~~the threshold described *notwithstanding* clause (viii) shall be applied by substituting zero for 25, the threshold shall be zero; and~~

"(III) the percentage of enrolled students who were identified students shall be calculated across all applicable schools in the State regardless of local educational agency."

[NOTE-- DELETED /tll/stE/s24002: ~~Sec. 24002. Direct certification for children receiving Medicaid benefits~~]

[NOTE-- MOVED /tll/stE/s24003 to /tll/stE/s24002]

Sec. 2400~~3~~2. 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~~*for* summer 2023 and ~~annually for each summer before the date described in subsection (g);~~*summer 2024* issue to eligible households summer EBT benefits—

" (i) 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. 2014~~2~~(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)9~~ of such Act (7 U.S.C. 2016~~(b)8~~).

"(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. 2014~~2~~(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 ~~79~~(b) of such Act (7 U.S.C. 2016~~(b)8~~) or retail food stores that have been approved for participation in a Department of Agriculture grant funded nutrition assistance program in the Commonwealth of the Northern Mariana Islands, Puerto Rico, or American Samoa.

"(B) BENEFITS ISSUED BY COVERED INDIAN TRIBAL ORGANIZATIONS.— Summer EBT benefits issued pursuant to subsection (a) by a covered Indian Tribal organization may only be used by the eligible household that receives such summer EBT benefits to purchase supplemental foods from retailers that have been approved for participation in—

"(i) the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786); or

"(ii) the program under this section.

"(2) AMOUNT.— Summer EBT benefits issued pursuant to subsection (a)—

"(A) shall be—

"(i) for calendar year 2023, in an amount equal to \$765 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~~

~~"(B)~~ require local educational agencies to allow eligible households to opt out of participation in the program under this section and 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~~ January 1, 2024~~2~~, the Secretary shall carry out a program to make grants to States and covered Indian Tribal organizations to build capacity for implementing the program under this section.

"(e) ALTERNATE PLANS IN THE CASE OF CONTINUOUS SCHOOL CALENDAR.— The Secretary shall establish an alternative plans for when ~~an~~ method for determining the schedule and number of days during which summer EBT benefits may be issued pursuant to subsection (a) in the case of children who are under a continuous school calendar.

"(f) FUNDING.—

"(1) PROGRAM FUNDING.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2029~~4~~, out of any money in the Treasury not otherwise appropriated, such sums, to remain available for the ~~period described in paragraph (2)~~ 2-year period following the date such amounts are made available, as may be necessary, to carry out this section, including for administrative expenses incurred by the Secretary, States, covered Indian Tribal organizations, and local educational agencies.

~~"(2) Period described.— With respect to each fiscal year under paragraph (1), amounts made available for such a fiscal year under such paragraph 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~~4~~.

"(h) DEFINITIONS.— In this section:

"(1) COVERED INDIAN TRIBAL ORGANIZATION.— The term 'covered Indian Tribal organization' means an Indian Tribal organization that participates in the special supplemental nutrition program for women, infants, and children under section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

"(2) ELIGIBLE CHILD.— The term 'eligible child' means, with respect to a summer, a child who was, during the school year immediately preceding such summer—

"(A) certified to receive free or reduced price lunch under the school lunch program under this Act;

"(B) certified to receive free or reduced price breakfast under the school breakfast program under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773); or

"(C) enrolled in a school described in subparagraph (B), (C), (D), (E), or (F) of section 11(a)(1).

"(3) ELIGIBLE HOUSEHOLD.— The term 'eligible household' means a household that includes at least 1 eligible child.—~~"(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. 24003. Healthy food incentives demonstration

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available until expended, to provide:—
(l)

(1) technical assistance and evaluation with respect to the activities described in subparagraphs (A) through (D) of paragraph (2); and

(2) grants and monetary incentives to carry out 1 or more of the following:

(A) Improving the nutritional quality of meals and snacks served under a child nutrition program.

(B) Enhancing the nutrition and wellness environment of institutions participating in a child nutrition program, including by reducing the availability of less healthy foods during the school day.

(C) Increasing the procurement of fresh, local, regional, and culturally appropriate foods and foods produced by underserved or limited resource farmers, as defined by the Secretary of Agriculture, to be served as part of a child nutrition program.

(D) Funding a statewide nutrition education coordinator—

(i) to support individual school food authority nutrition education efforts; and

(ii) to facilitate collaboration with other nutrition education efforts in the State.

(b) STATE DEFINED.— In this section, the term "State" has the meaning given the term in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d)).

Sec. 24004. School kitchen equipment grants—(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, ~~\$50~~30,000,000, to remain available until expended; through fiscal year 2030, for training and technical assistance to support scratch cooking and to award grants to States (as defined in section 12(d) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1760(d))) to make competitive subgrants to local educational agencies and schools to purchase equipment with a value of greater than \$1,000 that, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751–1769j) and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), is necessary to serve healthier meals, improve food safety, and increase scratch cooking. ~~(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.~~

[NOTE-- DELETED /tll/stE/s24005: ~~Sec. 24005. Healthy food incentives demonstration~~]

Subtitle F—⁽¹⁾ Human Services and Community Supports