

Sec. 25001. Assistive technology

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until expended, to carry out the Assistive Technology Act of 1998 (29 U.S.C. 3004 ~~et seq.~~ 3(a)).

Sec. 25002. Family violence prevention and services funding

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$2730,000,000~~, to remain available until expended, for necessary administrative expenses to carry out subsections 303, 309, and 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10401–10414) and (c) and (d) of section 2204 of the American Rescue Plan Act of 2021 (Public Law 117–2).

Sec. 25003. Pregnancy assistance fund

Section 10214 of the Patient Protection and Affordable Care Act (42 U.S.C. 18204) is amended by striking the period and inserting ", and \$25,000,000 for each of fiscal years 2022 through 2024, to remain available until expended, to carry out this part."

Sec. 25004. Funding for the aging network and infrastructure

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

(1) \$75,000,000 for the Research, Demonstration, and Evaluation Center for the Aging Network to carry out the activities of the Center under section 201(g) of the Older Americans Act of 1965 (OAA) (42 U.S.C. 3011(g));

(2) \$655,000,000 to carry out part B of title III of the OAA (42 U.S.C. 3030d), including for—

(A) supportive services of the type made available for fiscal year 2021 and authorized under such part;

(B) investing in the aging services network for the purposes of improving the availability of supportive services, including investing in the aging services network workforce;

(C) the acquisition, alteration, or renovation of facilities, including multipurpose senior centers and mobile units; and

(D) construction or modernization of facilities to serve as multipurpose senior centers;

(3) \$140,000,000 to carry out part C of title III of the OAA (42 U.S.C. 3030d–21–3030g–23), including to support the modernization of infrastructure and technology,

including kitchen equipment and delivery vehicles, to support the provision of congregate nutrition services and home delivered nutrition services under such part;

(4) \$150,000,000 to carry out part E of title III of the OAA (42 U.S.C. 3030s–3030s-2), including section 373(e) of such part (42 U.S.C. 3030s–1(e));

(5) \$50,000,000 to carry out title VI of the OAA (42 U.S.C. 3057–3057o), including part C of such title (42 U.S.C. 3057k-11);

(6) \$50,000,000 to carry out the long-term care ombudsman program under title VII of the OAA (42 U.S.C. 3058–3058ff);

(7) \$59,000,000 for technical assistance centers or national resource centers supported under the OAA, including all such centers that received funding under title IV of the OAA (42 U.S.C. 3031–3033a) for fiscal year 2021, in order to support technical assistance and resource development related to culturally appropriate care management and services for older individuals with the greatest social need, including racial and ethnic minority individuals;

(8) \$15,000,000 for technical assistance centers or national resource centers supported under the OAA that are focused on providing services for older individuals who are underserved due to their sexual orientation or gender identity;

(9) \$1,000,000 for efforts of national training and technical assistance centers supported under the OAA to—

(A) support expanding the reach of the aging services network to more effectively assist older individuals in remaining socially engaged and active;

(B) provide additional support in technical assistance and training to the aging services network to address the social isolation of older individuals;

(C) promote best practices and identify innovation in the field; and

(D) continue to support a repository for innovations designed to increase the ability of the aging services network to tailor social engagement activities to meet the needs of older individuals; and

(10) \$5,000,000 to carry out section 417 of the OAA (42 U.S.C. 3032f).

Amounts appropriated by this subsection shall remain available until expended.

(b) **NONAPPLICABILITY OF CERTAIN REQUIREMENTS.**— The non-Federal contribution requirements under sections 304(d)(1)(D) and 431(a) of the Older Americans Act of 1965 (42 U.S.C. 3024(d)(1)(D), 3033(a)), and section 373(h)(2) of such Act (42 U.S.C. 3030s–1(h)(2)), shall not apply to—

(1) any amounts made available under this section; or

(2) any amounts made available under section 2921 of the American Rescue Plan Act of 2021 (Public Law 117–2).

[NOTE-- MOVED /tll/stF/s25005 to /tll/stF/s25008]

(l)

Sec. 250065. Technical assistance center for supporting direct care and caregiving

(a) **IN GENERAL.**— In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, acting through the Administrator for the Administration for Community Living, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$~~520~~⁵²⁰,000,000, to remain available until September 30, 2026~~31~~, to establish, directly or through grants, contracts, or cooperative agreements, a national technical assistance center (referred to in this section as the "Center") to—

(1) provide technical assistance for supporting direct care workforce recruitment, education and training, retention, career advancement, and for supporting family caregivers and caregiving activities;

(2) develop and disseminate a set of replicable models or evidence-based or evidence-informed strategies or best practices for—

(A) recruitment, education and training, retention, and career advancement of direct ~~caresupport~~ workers;

(B) reducing barriers to accessing direct care services; and

(C) increasing access to alternatives to direct care services, including assistive technology, that reduce reliance on such services;

(3) provide recommendations for education and training curricula for direct ~~caresupport~~ workers; and

(4) provide recommendations for activities to further support paid and unpaid family caregivers, including expanding respite care.

(b) **DIRECT ~~CARESUPPORT~~ WORKER DEFINED.**— The term "direct ~~caresupport~~ worker" has the meaning given such term in section 22301.

Sec. 25006. Funding to support unpaid caregivers

(a) **IN GENERAL.**— In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$40,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) **USE OF FUNDING.**— The Secretary, acting through the Assistant Secretary for Aging, shall use amounts appropriated by subsection (a) to make awards, pursuant to section 373(i) of the Older Americans Act of 1965 (42 U.S.C. 3030s-1(i)), to States, public agencies, private nonprofit agencies, institutions of higher education, and organizations, including Tribal organizations, for initiatives to address the behavioral health needs of unpaid caregivers of older individuals and older relative caregivers.

(c) **SUPPLEMENT NOT SUPPLANT.**— Amounts appropriated by this section shall be used to supplement and not supplant other Federal, State, or local public funds to support unpaid caregivers.

(l)

Sec. 25007. Funding to support individuals with intellectual and developmental disabilities

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the "Secretary"), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$25,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) USE OF FUNDING.— The Secretary, acting through the Administrator of the Administration for Community Living, shall use amounts appropriated by subsection (a) to award grants, contracts, or cooperative agreements to public or private nonprofit entities pursuant to section 162 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15082) for initiatives to address the behavioral health needs of individuals with intellectual and developmental disabilities.

(c) SUPPLEMENT NOT SUPPLANT.— Amounts appropriated by this section shall be used to supplement and not supplant other Federal, State, or local public funds to support individuals with intellectual and developmental disabilities.

Sec. 25005g. Office of the Inspector General of the Department of Health and Human Services

In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, for the Office of Inspector General of the Department of Health and Human Services, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under subtitles D and F of this title.

[NOTE-- MOVED /tll/stF/s25006 to /tll/stF/s25005]

[NOTE-- DELETED /tll/stH/s30802: ~~Sec. 30802. Permanent extensions of other programs and demonstration projects~~]

[NOTE-- DELETED /tll/stH/s30803: ~~Sec. 30803. State option to increase children's eligibility for medicaid and chip~~]

[NOTE-- DELETED /tll/stH/s30804: ~~Sec. 30804. Extending continuous CHIP coverage for pregnant and postpartum women~~]

[NOTE-- DELETED /tll/stH/s30805: ~~Sec. 30805. Providing for 1 year of continuous eligibility for children under the children's health insurance program~~]

[NOTE-- MOVED /tll/stI to /tll/stG]

[NOTE-- MOVED /tll/stI/s30901 to /tll/stH/s30901]

Subtitle IG — ~~Medicare Coverage of Dental, Hearing, and Vision~~
~~Services~~ **National Service and Workforce Development in**
Support of Climate Resilience and Mitigation

**Sec. 2246001. Corporation for ~~N~~ational and ~~C~~ommunity ~~S~~ervice ~~(a)~~ In general.—
and the National Service Trust**

(4a) AMERICORPS STATE AND ~~N~~ATIONAL PROGRAMS.—

~~(A1) IN GENERAL.—~~ In addition to amounts otherwise made available, there is appropriated for fiscal year 2023~~2~~, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$~~4,3053,200,000,000~~, to remain available until September 30, 2027~~6~~, ~~for carrying out national service programs authorized under section 122(a)(3)(B) of the National and Community Service Act of 1990 (42 U.S.C. 12572(a)(3)(B))~~ which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities to support national service programs ~~authodescrib~~ed under the AmeriCorps State and National program in paragraphs (1), (B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 (whether or not ~~thesuch~~ entities are already grant recipients under such provisions of a grant or other agreement on the date of enactment of this Act) and to increase the living allowances and improve benefits of participants in national servicesuch programs.

~~(B2) Waiver of matching r~~REQUIREMENTS.— For the purposes of carrying out this subparagraph, (1)—

~~(A) the Corporation shall waive any matchthe requirement in whole or in part where a grantee demonstrates such waiver would increase access and remove barriers for organizations that serve communities that are adversely affected by persistent poverty,s described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for such a national service program demonstrates—~~

~~(i) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and~~

~~(ii) without such waiver, the recipient cannot meet the requirements of this section;~~

~~(B) section 189(a) of such Act shall be applied by substituting "125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position" for "\$18,000 per full-time equivalent position"; and~~

~~(C) section 140(a)(1) (of such Act shall be applied by substituting "200 percent of the poverty line" for "the average annual subsistence allowance~~

provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)".

(b) STATE COMMISSIONS.—

(1) 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 the Corporation for National and Community Service, \$400,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.— For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement discrimination, or inequality bed in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver.

(2c) NATIONAL CIVILIAN COMMUNITY CORPS.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$80,000,000, to remain available until September 30, 2027, for carrying out which shall be used to increase the living allowance and benefits of participants in the National Civilian Community Corps authorized under section 152 of the National and Community Service Act of 1990 (42 U.S.C. 12612).

(3d) Volunteers in Service to America program AMERICORPS VISTA.—

(1) IN GENERAL.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$400,000,000, to remain available until September 30, 2027, for carrying out which shall be used to increase the subsistence allowances and improve benefits of participants in the Volunteers in Service to America (VISTA) program for the purposes described program authorized in under section 1042 of the Domestic Volunteer Service Act of 1973,

(42 U.S.C. 4951), including to increase the living allowances of volunteers, described in section 105(b) of such Act (42 U.S.C. 4955). (4) State commissions.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$40,000,000, to remain available until September 30, 2027, to make adjustments to existing (as of the date of enactment of this Act) awards and new and additional awards, including awards to State Commissions on National and Community Service, under section 126(a) of the National and Community Service Act of 1990 (42 U.S.C. 12576(a)). (5) Use of funds.— Amounts made available under paragraphs (1) through (4) shall be used by the Corporation for National and Community Service to carry out activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990 (42 U.S.C.

~~42572(a)(3)(B)) and for activities related to environmental resiliency, remediation, or mitigation by— (A) ensuring at least 50 percent of such funds are awarded to entities that serve, and have representation from, low-income communities, Tribal, Alaska Native, or Native Hawaiian communities, or communities experiencing (or at risk of experiencing) adverse health and environmental conditions; (B) taking into account the diversity of communities served by such entities and the diversity of AmeriCorps members serving in these projects, including racial, ethnic, socioeconomic, linguistic, or geographic diversity, and utilizing culturally competent and multilingual strategies in the provision of services to communities and in the recruitment of members; (C) supporting projects that are planned and implemented with the community served by such activities; (D) providing participants with workforce development opportunities such as pre-apprenticeship programs that articulate to registered apprenticeships, and pathways to post-service employment in high-quality jobs or registered apprenticeships; and (E) coordinating with and providing resources to the Departments of Labor and Education to improve the readiness of participants to transition to high-quality jobs or further education. (b) Administrative costs.— (1) In general.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$199,650,000, to remain available until September 30, 2027, which shall be used for administrative expenses as provided under section 501(a)(5) of the National and Community Service Act of 1990 (42 U.S.C. 12681(a)(5)) and under section 504(a) of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 5084(a)), including an evaluation of the Corporation's information technology security, corrective actions to address recommendations arising from audits of the agency and the National Service Trust, and, in consultation with the Inspector General, the development of grant fraud prevention and detection controls and risk-based anti-fraud grant monitoring. Not less than 5 percent of funds under this paragraph shall be reserved for outreach to and recruitment of members from communities traditionally underrepresented in the programs and activities funded under this section. (2) Project, operations, and management plan.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$350,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation for National and Community Service in collaboration with the Department of Labor, to develop, issue, and implement a project, operations, and management plan for funds appropriated under this section. In developing the financial management portion of the plan, the Chief Executive Officer shall consult with the Inspector General. Such plan shall be provided to the Committee on Education and Labor of the House of Representatives and the Committee on Health, Education, Labor, and Pensions of the Senate prior to obligating funds or making outlays for funds appropriated under subsection (a). (c) Office of Inspector General.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Office of Inspector General of the Corporation for National and~~

~~Community Service, \$15,000,000 to remain available until September 30, 2030, which shall be used by the Office of Inspector General of the Corporation for National and Community Service for salaries and expenses necessary for oversight and audit of programs, activities and operations funded under this section. (d) National service trust.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, \$260,000,000, to remain available until expended, for— (1) administration of the National Service Trust; and (2) payment to the Trust for the provision of educational awards pursuant to section 145(a)(1)(A) and section 148 of the National and Community Service Act of 1990 (42 U.S.C. 12601(a)(1)(A); 126042).~~

~~REQUIREMENT.— For purposes of carrying out paragraph (1)—~~

~~(A) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting "200 percent" for "95 percent"; and~~

~~(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting "210 percent" for "105 percent".~~

~~(e) NATIONAL SERVICE IN SUPPORT OF CLIMATE RESILIENCE AND MITIGATION.—~~

~~(1) 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 the Corporation for National and Community Service, \$6,915,000,000, which shall be used for the purposes specified in paragraph (3).~~

~~(2) AVAILABILITY OF FUNDS.— Amounts appropriated under paragraph (1) shall—~~

~~(A) be available until September 30, 2026, for national service programs described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990; and~~

~~(B) be available until September 30, 2029, for National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990 and Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.~~

~~(3) USE OF FUNDS.—~~

~~(A) IN GENERAL.— The Corporation shall use amounts appropriated under paragraph (1) to fund programs described in subparagraph (B) to carry out projects or activities described in section 122(a)(3)(B) of the National and Community Service Act of 1990.~~

~~(B) PROGRAMS.— The programs described in subparagraph (A) shall include~~

~~(i) national service programs described in paragraphs (1)(B), (2)(B), (3)(B), (4)(B), and (5)(B) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990;~~

~~(ii) National Civilian Community Corps programs authorized under section 152 of the National and Community Service Act of 1990; and~~

(iii) Volunteers in Service to America programs authorized under section 102 of the Domestic Volunteer Service Act of 1973.

(C) TERMS.— In funding programs described in subparagraph (A), the Corporation shall ensure—

(i) awards are made to entities that serve, and have representation from, low-income communities or communities experiencing (or at risk of experiencing) adverse health and environmental conditions;

(ii) such programs utilize culturally competent and multilingual strategies;

(iii) projects carried out through such programs are planned with community input, and implemented by diverse participants who are from communities being served by such programs; and

(iv) such programs provide participants with workforce development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-service employment in high-quality jobs, including registered apprenticeships.

(4) REQUIREMENTS.— For the purposes of carrying out paragraph (1)—

(A) in implementing national service programs described in paragraph (3)(B)

(i) and funded by the appropriations specified in paragraph (1)—

(i) the Corporation shall waive the requirements described in section 121(e)(1) of the National and Community Service Act of 1990, in whole or in part, if a recipient of a grant or other agreement for the national service program involved demonstrates—

(I) the recipient will serve underserved or low-income communities, and a significant percentage of participants in such program are low-income individuals; and

(II) without such waiver, the recipient cannot meet the requirements of this section;

(ii) section 189(a) of the National and Community Service Act of 1990 shall be applied by substituting "125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position" for "\$18,000 per full-time equivalent position";

(iii) section 140(a)(1) of the National and Community Service Act of 1990 shall be applied by substituting "200 percent of the poverty line" for "the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)"; and

(iv) the Corporation shall waive the matching requirement described in section 126(a)(2) of the National and Community Service Act of 1990, in whole or in part, for a State Commission, if such State Commission demonstrates need for such waiver; and

(B) in implementing national service programs described in paragraph (3)(B), (iii) and funded by the appropriations specified in paragraph (1)—

(i) section 105(b)(2)(A) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting "200 percent" for "95 percent"; and

(ii) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting "210 percent" for "105 percent".

(f) ADMINISTRATIVE COSTS.—

(1) 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 the Corporation for National and Community Service, \$1,010,400,000, to remain available until September 30, 2029, which shall be used for Federal administrative expenses to carry out programs and activities funded under this section, including—

(A) corrective actions to address recommendations arising from audits of the financial statements of the Corporation and the National Service Trust, and, in consultation with the Inspector General of the Corporation, the development of fraud prevention and detection controls and risk-based anti-fraud monitoring for grants and other financial assistance funded under this section; and

(B) coordination of efforts and activities with the Departments of Labor and Education to support the national service programs funded under subsections (a), (c), (d), and (e) in improving the readiness of participants to transition to high-quality jobs or further education.

(2) FISCAL YEAR 2030 PROGRAM ADMINISTRATION.— In addition to amounts otherwise available, there is appropriated for fiscal year 2030, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$79,800,000, to remain available until September 30, 2030, which shall be used, in fiscal year 2030, for Federal administrative expenses to carry out programs and activities funded under this section.

(3) PLAN.— In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation, \$300,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation to—

(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Secretary of Labor and the Inspector General of the Corporation in developing the plan under subparagraph (A).

(4) OUTREACH.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, \$49,500,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally underrepresented in national service

programs and members of a community experiencing a significant dislocation of workers, including energy transition communities.

(g) OFFICE OF INSPECTOR 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 the Corporation for National and Community Service, \$75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Inspector General of the Corporation for salaries and expenses necessary for oversight and audit of programs and activities funded under this section.

(h) NATIONAL SERVICE TRUST.—

(1) 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 the National Service Trust, \$1,150,000,000, to remain available until September 30, 2030, for—

(A) administration of the National Service Trust; and

(B) payment to the Trust for the provision of national service educational awards and interest expenses—

(i) for participants, for a term of service supported by funds made available under subsection (e); and

(ii) pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990.

(2) SUPPLEMENTAL EDUCATIONAL AWARDS.—

(A) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, \$1,660,000,000, to remain available until September 30, 2030, for payment to the National Service Trust for the purpose of providing a supplemental national service educational award to an individual eligible to receive a national service educational award pursuant to section 146(a), and the individual's transferee pursuant to section 148(f), of the National and Community Service Act of 1990, for a term of service that began after the date of enactment of this Act in a national service program (including a term of service supported by funds made available under subsection (e)).

(B) AWARD AVAILABILITY.— The supplemental educational award referred to in subparagraph (A) shall be available to an individual or their transferee described in subparagraph (A) in accordance with the paragraph (3).

(C) CALCULATION.— The amount of the supplemental educational award that shall be available to an individual or their transferee described in subparagraph (A) shall be calculated as follows:

(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.— For an individual who completes a required term of full-time national service, or the individual's transferee— (i)

(I) in a case in which the award year for which the national service position is approved by the Corporation is award year 2022-2023, 50 percent of the maximum amount of a Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year; and

(II) in a case in which the award year for which the national service position is approved by the Corporation is award year 2023-2024 or a subsequent award year, 50 percent of the total maximum Federal Pell Grant under section 401 of the Higher Education Act of 1965 that a student eligible for such Grant may receive in the aggregate for such award year.

(ii) AMOUNT FOR PART-TIME NATIONAL SERVICE.— For an individual who completes a required term of part-time national service, or the individual's transferee, 50 percent of the amount determined under clause (i).

(iii) AMOUNT FOR PARTIAL COMPLETION OF NATIONAL SERVICE.— For an individual released from completing the full-time or part-time term of service agreed to by the individuals, or the individual's transferee, the portion of the amount determined under clause (i) that corresponds to the portion of the term of service completed by the individual.

(3) PERIOD OF AVAILABILITY FOR NATIONAL SERVICE EDUCATIONAL AWARDS.—

(A) IN GENERAL.— Notwithstanding section 146(d) of the National and Community Service Act of 1990, relating to a period of time for use of a national service educational award, or any extensions to such time period granted under section 146(d)(2) of such Act, an individual eligible to receive a national service educational award for a term of service supported by funds made available under subsection (e), or the individual's transferee, and an individual eligible to receive a supplemental educational award described in paragraph (2) for a term of service, or the individual's transferee, shall not use, after September 30, 2030, the national service educational award or supplemental educational award for the term of service involved, and the national service educational award and supplemental educational award shall be available for the lengths of time described in subparagraph (B).

(B) LENGTHS OF TIME.— The lengths of time described in this subparagraph are as follows:

(i) For an individual who completes the term of service involved by September 30, 2023 or the individual's transferee, until the end of the 7-year period beginning on that date.

(ii) For an individual who completes such term of service by September 30, 2024 or the individual's transferee, until the end of the 6-year period beginning on that date.

(iii) For an individual ^(I) who completes such term of service by September 30, 2025 or the individual's transferee, until the end of the 5-year period

beginning on that date.

(iv) For an individual who completes such term of service by September 30, 2026 or the individual's transferee, until the end of the 4-year period beginning on that date.

(v) For an individual who completes such term of service by September 30, 2027 or the individual's transferee, until the end of the 3-year period beginning on that date.

(vi) For an individual who completes such term of service by September 30, 2028 or the individual's transferee, until the end of the 2-year period beginning on that date.

(vii) For an individual who completes such term of service by September 30, 2029 or the individual's transferee, until the end of the 1-year period beginning on that date.

(i) LIMITATION.— The funds made available under this section are subject to the condition that the Corporation shall not—

(1) use such funds to make any transfer to the National Service Trust for any use, or enter into any agreement involving such funds—

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

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

(2) use any other funds available to the Corporation to liquidate obligations made under this section.

(j) DEFINITION.— For purposes of this section, 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).

Sec. 2246002. Department of Labor (a) In general.—Workforce development in support of climate resilience and mitigation

(4a) YOUTHBUILD PROGRAM.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2023, out of any ~~amounts~~ amounts in the Treasury not otherwise appropriated, to the Department of Labor, ~~\$2,450,000,000~~, to remain available until September 30, 2027, except that no amounts may be expended after September 30, 2031, for the YouthBuild program authorized ~~under~~ to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—

(1) carrying out activities described in section 171(c)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3226(e)(4)), including for the purposes of; and

(2) 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.

(2b) JOB CORPS PROG.—

(1) IN GENERAL.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, \$50,450,000,000, to remain available until September 30, 2030, except that no amounts may be expended after September 30, 2031, for the Job Corps program authorized under 26, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—

(A) providing funds to operators and service providers to—

(i) carry out the activities and services described in sections 1438 and 149 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3193 et seq.), including Civilian Conservation Centers; and

(ii) improve and expand access to allowances and services described in section 147(d)(4) of such Act (29 U.S.C. 3197) and for the purposes of improv; and

(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and expanding access to allowances and supports described in section 150 of such Act (29 U.S.C. 3200) acquiring Job Corps centers to support activities described in subparagraphs (A) and (B).

(2) ELIGIBILITY.— For the purposes of carrying out paragraph (1), an entity in a State or outlying area may be eligible to be selected as an operator or service provider.

(3c) Ex-offender activity PRE-APPRENTICESHIP, AND REGISTERED APPRENTICESHIP PROGRAMS.—

(1) PRE-APPRENTICESHIP PROGRAMS.— In addition to amounts otherwise made available, there is appropriated to the Department of Labor for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, \$51,000,000,000, to remain available until September 30, 2027, except that no amounts may be to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expanded after September 30, 2031, for ex-offender activities under the authority of section 169(b)(5) of the Workforce Inno; re-apprenticeship programs that articulate to registered apprenticeship programs, are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and Opportunity Act (29

U.S.C. 3224(b)(5)) are aligned with the activities described in subsection (e)(3) of section 26001.

(4) ~~APRE-APPRENTICESHIP PROGRAM~~ PARTNERSHIPS.— In addition to amounts otherwise ~~made~~ available, there is appropriated to the Department of Labor for fiscal year 2023~~2~~, out of any ~~money~~ units in the Treasury not otherwise appropriated, ~~to the Department of Labor, \$1,00~~ \$150,000,000, to remain available until September 30, 2027~~6~~, except that no amounts may be expended ~~after~~ to support partnerships between entities carrying out pre-apprenticeship programs that articulate to registered apprenticeship programs and entities funded under subsection (e) of section 26001 to ensure past and current participants in programs funded under subsection (e)(1) of section 26001 have access to such pre-apprenticeship programs.

(3) REGISTERED APPRENTICESHIP PROGRAMS.— In addition to amounts otherwise 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, 2034~~26~~, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, ~~with States and other appropriate entities, including equity intermediaries and business and labor industry partner intermediaries~~ to create or expand registered apprenticeship programs in climate-related nontraditional apprenticeship occupations.

(4) PARTICIPANTS WITH BARRIERS TO EMPLOYMENT AND NONTRADITIONAL APPRENTICESHIP POPULATIONS.— In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, \$350,000,000, to create or expand only apprenticeship programs registered under the Act of August 16, 1937 (commonly known as the "Na~~main~~ available until September 30, 2026, for entities to carry out pre-apprenticeship programs described in paragraph (1), and registered apprenticeship program described in paragraph (3), serving a high number or high percentage of individuals with barriers to employment, including individuals with disabilities, or nontraditional A~~apprenticeship Act"; 50 Stat. 664, chapter 663; 29 U.S.C. 50 et seq.)~~ populations.

(d) REENTRY EMPLOYMENT OPPORTUNITIES PROGRAM.— In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, youth apprenticeship programs, and pre-appren~~of any amounts in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until September 30, 2026, for the Reentry Employment Opportunitieeship programs articulating to appren, which amount shall be used to support activities aligned with high-quality employment opportunitieeship programs regis in industry sectors or occupations related to climate red under such Acts~~ silience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001.

(5e) PAID YOUTH EMPLOYMENT ACTIV~~OPPORTUNITIES.— In addition to amounts otherwise ~~made~~ available, there is appropriated for fiscal year 2023~~2~~, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, ~~\$249,8~~ \$350,000,000, to remain available until September 30, 2030, except that no amounts may be expended~~

~~after September 30, 2031, for paid youth employment activities under the authority of 26, to carry out activities through grants, contracts, or cooperative agreements, for the purposes of providing in-school youth and out-of-school youth with paid work experiences authorized under section 1629(b)(5)(C) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3224(b)(5)) for in-school and out-of-school youth as defined, notwithstanding section 194(10) of such Act, that are—~~

~~(1) carried out by public agencies or private nonprofit entities, including community-based organizations;~~

~~(2) provided in conjunction with supportive services and other elements described in section 3129(c)(2) of such Act;~~

~~(29 U.S.C. 3102). (b) Use of funds.— Amounts made available under paragraphs (1) through (3) aligned with the activities described in subsection (e)(3) of subsection (a) shall be used for activities to include training for career 26001; and~~

~~(4) designed to prepare participants for—~~

~~(A) high-quality, unsubsidized employment opportunities in industry sectors and/or occupations related to environmental resiliency, remediation, climate resilience or mitigation;~~

~~(B) enrollment in an institution; or mitigation and activities to increase diversity within such industry sectors and occupations, taking into account higher education (as defined in section 101 or 102(c) of the Higher Education Act of 1965); and~~

~~(C) registered apprenticeship programs.~~

~~(f) DEPARTMENT OF LABOR INSPECTOR GENERAL.— 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, \$10,000,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department of Labor funded under this section.~~

~~(g) ADMINISTRATION.—~~

~~(1) IN GENERAL.— 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, \$69,800,000, to remain available until September 30, 2029, for program administration within the Department of Labor for salaries and expenses necessary to implement this section.~~

~~(2) PLAN.— In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Department of Labor, \$200,000, to remain available until September 30, 2023, which shall be used by the Secretary of Labor in collaboration to~~

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(A) develop, publish, and implement, not later than 180 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

(B) consult with the Chief Executive Officer of the Corporation for National and Community Service, to in develop and issue a project, operations, and management plan for funds appropriated under this section. Such plan shall be provided to the Committee on Education and Labor of the House of Representatives and the Committee on Health the plan under subparagraph (A).

(h) DEFINITION.— For purposes of this section:

(1) CLIMATE-RELATED NONTRADITIONAL APPRENTICESHIP OCCUPATION.— The term "climate-related nontraditional apprenticeship occupation" means an apprenticeable occupation—

(A) that aligns with the activities described in subsection (e)(3) of section 26001;

(B) in an industry sector that trains less than 10 percent of all civilian registered apprentices as of the date of the enactment of this Act; and

(C) that is related to climate resilience or mitigation.

(2) REGISTERED APPRENTICESHIP PROGRAM.— The term "registered apprenticeship program" means an apprenticeship program registered with the Office of Apprenticeship of the Education, Labor, and Pensions of the Senate prior to obligating funds or making outlays for funds appropriated under subsection (a) 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).

(3) WIOA DEFINITIONS.— The terms "community-based organization", "individual with a barrier to employment", "in-school youth", "outlying area", and "out-of-school youth" have the meanings given such terms in paragraphs (10), (24), (27), (45), and (46), respectively, of section 3 of the Workforce Innovation and Opportunity Act.

Title III—Committee on Energy and Commerce

Subtitle A— Air Pollution

Sec. 30101. Clean heavy-duty vehicles

The Clean Air Act is amended by inserting after section 131 of such Act (42 U.S.C. 7431) the following:

"Sec. 132. Clean heavy-duty vehicles

"(a) APPROPRIATIONS.—

"(1) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$53,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to carry out *this* section 132 of the Clean Air Act, as added by subsection (b). (2) Reservation.— Of the funds appropriated by paragraph (1), the Administrator of the Environmental Protection Agency shall reserve 3 percent for administrative costs necessary to carry out section 132 of the Cle.

"(2) NONATTAINMENT AREAS.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available until September 30, 2031, to make awards under this section to eligible recipients and to eligible contractors that propose to replace eligible vehicles to serve 1 or more communities located in an Air Act, as added by subsection (b). (b) Amendment.— Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.) is amended by adding at the end the following: "Sec. 132. Clean heavy-duty vehicles *quality area designated pursuant to section 107 as nonattainment for any air pollutant.*

"(3) RESERVATION.— Of the funds appropriated by paragraph (1), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section.

"(a**b**) PROGRAM.— Beginning not later than 180 days after the date of enactment of this section, the Administrator shall implement a program to make awards of grants and rebates to eligible recipients, and to make awards of contracts to eligible contractors for providing rebates, for up to 100 percent of costs for—

"(1) replacing eligible vehicles with zero-emission vehicles;

"(2) *purchasing, installing, operating, and maintaining* infrastructure needed to charge, fuel, or maintain zero-emission vehicles;

"(3) workforce development and training to support the maintenance, charging, fueling, and operation of zero-emission vehicles; and

"(4) planning and technical activities to support the adoption and deployment of zero-emission vehicles.

"(b**c**) APPLICATIONS.— To seek an award under this section, an eligible recipient or eligible contractor shall submit to the Administrator an application *in at* such form and manner as the Administrator shall prescribe. "(c) Allocation.— Of any amount appropriated to carry out this section, no less than 40 percent shall be used for awards to eligible recipients *proposing to replace eligible* vehicles to serve one or more communities located in an air quality area designated pursuant to section 107 as nonattainment for any air

~~pollutant~~time, in such manner, and containing such information as the Administrator shall prescribe.

"(d) DEFINITIONS.— For purposes of this section:

"(1) ELIGIBLE CONTRACTOR.— The term 'eligible contractor' means a contractor that is a for-profit or nonprofit entity that has the capacity—

"(A) to sell zero-emission vehicles, or charging or other equipment needed to charge, fuel, or maintain zero-emission vehicles, to individuals or entities that own an eligible vehicle; or

"(B) to arrange financing for such a sale.

"(2) ELIGIBLE RECIPIENT.— The term 'eligible recipient' means—

"(A) a State ~~or local governmental ent~~;

~~"(B) a municipality;~~

~~"(C) an Indian Tribe (as defined in section 302);~~

~~"(D) a nonprofit school transportation association; or~~

~~"(E) an eligible contractor.~~

"(3) ELIGIBLE VEHICLE.— The term 'eligible vehicle' means a Class 6 or Class 7 heavy-duty vehicle as defined in section 1037.801 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this section).

"(4) ZERO-EMISSION VEHICLE.— The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

"(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(B) any greenhouse gas."

Sec. 30102. Grants to reduce air pollution at ports ~~Part A of title 1 of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end~~

The Clean Air Act is amended by inserting after section 132 of such Act, as added by section 30101 of this Act, the following:

"Sec. 133. Grants to reduce air pollution at ports

"(a) ~~in general~~APPROPRIATIONS.—

"(1) GENERAL ASSISTANCE.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$~~3,500,625,000,000~~, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031)~~, to award rebates and grants to eligible recipients on a competitive basis to—

~~"(4)A) to purchase or install zero-emissions port equipment and/or technology for use at, or to directly serve, one or more ports;~~

"(2B) to conduct any relevant planning or permitting in connection with the purchase or installation of such zero-emissions port equipment and/or technology; and

"(3C) to develop qualified climate action plans.

"(b2) Reservation.— ~~Of the NONATTAINMENT AREAS.— In addition to amounts made otherwise available by this section, \$875,000,000 shall be reserved for award, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$875,000,000, to remain available until September 30, 2031, to award rebates and grants to eligible recipients to carry out activities described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment areas for any air pollutant.~~

"(eb) LIMITATION.— Funds awarded under this section shall not be used—"(1) ~~to purchase fully automated cargo-handling equ by any recipient or terminal infrastructure that is designed for fully automated cargo-handling equipment; or "(2) by any recipient or sub-recipient to purchase or install zero-emission port equipment to perform construction, alteration, installation, or repair work or technology that is will not be located at, or does not directly serve, the one or more ports involved.~~

"(dc) ADMINISTRATION OF FUNDS.— Of the funds made available by this section, the Administrator shall reserve 2 percent for administrative costs necessary to carry out this section.

"(ed) DEFINITIONS.— ~~For purposes of~~ this section:

"(1) ELIGIBLE RECIPIENT.— The term 'eligible recipient' means—

"(A) a port authority;

"(B) a State, regional, local, or Tribal agency that has jurisdiction over a port authority or a port;

"(C) an air pollution control agency; or

"(D) a private entity (including any nonprofit organization) that—

"(i) applies for a grant under this section in partnership with an entity described in any of subparagraphs (A), ~~(B), or through~~ (C); and

"(ii) owns, operates, or uses the facilities, cargo-handling equipment, transportation equipment, or related technology of a port.

"(2) QUALIFIED CLIMATE ACTION PLAN.— The term 'qualified climate action plan' means a detailed and strategic plan that—

"(A) establishes goals, implementation strategies, and accounting and inventory practices (including practices used to measure progress towards stated goals) to reduce emissions at one or more ports of—

"(i) greenhouse gases;

"(ii) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an ~~air~~ pollutant); and

"(iii) hazardous air pollutants; ~~and~~

"(B) includes a strategy to collaborate with, communicate with, and address potential effects on stakeholders that may be affected by implementation of ~~such~~the plan, including low-income and disadvantaged near-port communities; and

"(C) describes how an eligible recipient has implemented or will implement measures to increase the resilience of the one or more ports involved, including measures related to withstanding and recovering from extreme weather events.

"(3) ZERO-EMISSIONS PORT EQUIPMENT ~~AND/OR~~ TECHNOLOGY.— The term 'zero-emissions port equipment ~~and/or~~ technology' means ~~any equipment or~~human-operated equipment or human-maintained technology that—

"(A) produces zero emissions of any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant) and any greenhouse gas other than water vapor; or

"(B) captures 100 percent of ~~such~~the emissions described in subparagraph (A) that are produced by an ocean-going vessel at berth."

Sec. 30103. Greenhouse gas reduction fund Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end

The Clean Air Act is amended by inserting after section 133 of such Act, as added by section 30102 of this Act, the following:

"Sec. 134. Greenhouse gas reduction fund

"(a) APPROPRIATIONS.—

"(1) ZERO-EMISSION TECHNOLOGIES.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—~~"(1), \$7,495,000,000,000 to the Administrator,~~ to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2026)~~4, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, ~~munits of local government, the District of Columbia, territories of the United States~~capalities, Tribal governments, and eligible recipients for the purposes of providing ~~financial and~~grants, loans, or other forms of financial assistance, as well as technical assistance, to enable low-income and disadvantaged communities to deploy zero-emission technologies, including distributed ~~zero-emission~~ technologies on residential rooftops, and to carry out other greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section;.

"(2) \$19,995 ZERO-EMISSION VEHICLE SUPPLY EQUIPMENT.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to the ~~Administrator, to remain available until expended (except that no funds shall be disbursed after~~remain available until September 30, 2024, to make grants, on a

competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients to support the purchase, installation, or operation of publicly available equipment to charge or fuel light-duty zero-emission vehicles, including in low-income and disadvantaged communities, through grants, rebates, or other forms of financial assistance, and to carry out related greenhouse gas emission reduction activities, as determined appropriate by the Administrator in accordance with this section.

"(3) GENERAL ASSISTANCE.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$11,970,000,000, to remain available until September 30, 2026)4, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients, of which \$8,000,000,000 shall be used to for the purposes of providing financial assistance in low-income and disadvantaged communities; and "(3) \$10,000,000 to the Administrator, to remain available until expended (except that no funds shall be disbursed and technical assistance in accordance with subsection (b)).

"(4) LOW-INCOME AND DISADVANTAGED COMMUNITIES.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$8,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to eligible recipients for the purposes of providing financial assistance and technical assistance in low-income and disadvantaged communities in accordance with subsection (b).

"(5) ADMINISTRATIVE COSTS.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$30,000,000, to remain available until September 30, 2031), for the administrative costs necessary to carry out activities under this section.

"(b) USE OF FUNDS.— An eligible recipient that receives a grant pursuant to subsection (a) shall ~~operate~~ use the grant in accordance with the following:

"(1) DIRECT INVESTMENT.— ~~An~~ The eligible recipient shall—

"(A) use a broad range of finance and investment tools to provide financial assistance to qualified projects at the national, regional, State, and local levels, including, as applicable, through both concessionary and market rate financing;

"(B) prioritize investment in qualified projects that would otherwise lack access to financing;

"(C) retain, manage, recycle, and monetize all repayments and other revenue received from fees, interest, repaid loans, and all other types of financial assistance provided using grant funds under this section to ensure continued operability; and
(I)

"(D) meet any requirements set forth by the Administrator to ensure accountability and proper management of funds appropriated by this section.

"(2) INDIRECT INVESTMENT.— ~~An~~The eligible recipient shall provide ~~financial~~lending and technical assistance to establish new or support existing public, quasi-public, or nonprofit entities that provide financial assistance to qualified projects at the State, local, territorial, or Tribal level or in the District of Columbia, including community- and low-income-focused lenders and capital providers.

"(c) DEFINITIONS.— In this section:

"(1) ELIGIBLE RECIPIENT.— The term 'eligible recipient' means a nonprofit organization that—

"(A) is designed to provide capital, including by leveraging private capital, and other forms of financial assistance for the rapid deployment of low- and zero-emission products, technologies, and ~~activities~~services;

"(B) does not take deposits; other than deposits from repayments and other revenue received from financial assistance provided using grant funds under this section;

"(C) is funded by public or charitable contributions; and

"(D) invests in or finances projects alone or in conjunction with other investors.

"(2) QUALIFIED PROJECT.— The term 'qualified project' includes any ~~low- or zero-emission project, technology, or activity~~project, activity, or technology that—

"(A) reduces or avoids greenhouse gas emissions and other forms of air pollution in partnership with, and by leveraging investment from, the private sector; or

"(B) assists communities in the efforts of those communities to reduce or avoid greenhouse gas emissions and other forms of air pollution.

"(3) Zero-emission technology.— The term 'zero-emission technology' means any ~~technology that produces zero~~PUBLICLY AVAILABLE EQUIPMENT.— The term 'publicly available equipment' means equipment that—

"(A) is located at a multi-unit housing structure;

"(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

"(C) is at a location that is publicly accessible for a minimum of 12 hours per day at least 5 days per week and networked or otherwise capable of being monitored remotely.

"(4) ZERO-EMISSION TECHNOLOGY.— The term 'zero-emission technology' means any technology that produces zero emissions of—

"(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(B) any greenhouse gas.

"(5) ZERO-EMISSION VEHICLE.— The term 'zero-emission vehicle' means a vehicle that has a drivetrain that produces, under any possible operational mode or condition, zero exhaust emissions of—

"(A) any air pollutant that is listed pursuant to section 108(a) (or any precursor to such an air pollutant); and

"(B) any greenhouse gas."

Sec. 30104. Collaborative community wildfire air grants

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031)~~, for grants authorized under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) to assist eligible entities in developing and implementing collaborative community plans to prepare for smoke from wildfires, reduce risks of smoke exposure due to wildfires, and mitigate the health and environmental effects of smoke from wildfires.

(b) TECHNICAL ASSISTANCE.— The Administrator of the Environmental Protection Agency may use amounts made available under subsection (a) to provide technical assistance to any eligible entity in—

- (1) submitting an application for a grant to be made pursuant to this section; or
- (2) carrying out a project using a grant made pursuant to this section.

(c) ADMINISTRATIVE COSTS.— Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7.5 percent for administrative costs to carry out this section.

(d) ELIGIBLE ENTITIES.— In this section, the term "eligible entity" means a State, a territory, a unit of local government (including any special district, such as an air quality management district), or an Indian Tribe.

Sec. 30105. Diesel emissions reductions

(a) ~~In general~~ GOODS MOVEMENT.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1760,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031), to address diesel emissions, of which— (1) \$100,000,000 shall be for grants, rebates, loans, and other Environmental Protection Agency activities under subtitle C of title VII for grants, rebates, and loans under section 792 of the Energy Policy Act of 2005 (42 U.S.C. 16134 through 161372) to identify and reduce diesel emissions resulting from goods movement facilities, and vehicles servicing goods movement facilities, in low-income and disadvantaged communities to address the health impacts of such emissions on such communities; (2) \$50,000,000 shall be for grants, rebates, loans, and other~~

Environmental Protection Agency activities under subtitle C of title VII of the Energy Policy Act of 2005; and (3) ~~\$20,000,000 shall be for grants, rebates, loans, and other Environmental Protection Agency activities under subtitle C of title VII of the Energy Policy Act of 2005 to identify and reduce diesel emissions in low-income and disadvantaged communities to address the health impacts of such emissions on such communities.~~

(b) ADMINISTRATIVE COSTS.— The Administrator of the Environmental Protection Agency shall reserve ~~52~~ percent of the amounts made available under ~~sub~~this section ~~(a)~~ for the administrative costs necessary to carry out activities pursuant to ~~such~~ subthis section.

Sec. 30106. Funding to address air pollution

(a) ~~In general~~ APPROPRIATIONS.—

(1) FENCELINE AIR MONITORING AND SCREENING AIR MONITORING.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$320,017,500,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to address air pollution, of which—~~ (1) ~~\$265,000,000 shall be for grants and other activities authorized under subsections 402, (a) through (c) of section 103, and section 105 of the Clean Air Act (42 U.S.C. 7402, 7403, and 7405), of which—~~ (A) ~~\$122,000,000 shall be~~ 3(a)–(c), 7405 to deploy, integrate, support, and maintain fenceline air monitoring and, screening air monitoring, ~~including~~ national air toxics trend stations, and other air toxics and community monitoring;.

(B) ~~\$75,000,000 shall be~~ MULTIPOLLUTANT MONITORING STATIONS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405)—

(A) to expand the national ambient air quality monitoring network with new multipollutant monitoring stations; and

(B) to replace, repair, operate, and maintain existing monitors;.

(C) ~~\$3,000,000 shall be to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities; and (D) \$15,000,000 shall be for testing and other agency activities to address emissions from wood heaters; and (E)~~ AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c).

of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

(4) EMISSIONS FROM WOOD HEATERS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for testing and other agency activities to address emissions from wood heaters.

(5) METHANE MONITORING.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$520,000,000 shall be, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405) for monitoring emissions of methane;

(2) ~~\$50,000,000 shall be~~6) CLEAN AIR ACT GRANTS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$25,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)-(c), 7405).

(7) OTHER ACTIVITIES.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$45,000,000, to remain available until September 30, 2031, to carry out, with respect to greenhouse gases, sections 111, 115, 1695, 177, 202, 211, 213, 231, and 612, and other sections of the Clean Air Act (42 U.S.C. 7411, 7415, 74795, 7507, 7521, 7545, 7547, 7571, and 7671k, and others); and (3) \$5,000,000 shall be.

(8) GREENHOUSE GAS AND ZERO-EMISSION STANDARDS FOR MOBILE SOURCES.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until September 30, 2031, to provide grants to States to adopt and implement greenhouse gas and zero-emission standards for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7507).

(b) ADMINISTRATION OF FUNDS.— Of the funds made available pursuant to paragraphs (1), (2), (5) and (6) of subsection (a)(4), the Administrator of the Environmental Protection Agency shall reserve 5 percent for activities funded pursuant to such subsection other than grants.

(I)

Sec. 30107. Funding to address air pollution at schools

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$50,037,500,000~~, to remain available until ~~expended, for grants, rebates, contracts, September 30, 2031, for grants~~ and other activities to monitor and reduce air pollution and greenhouse gas emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405), ~~of which the Administrator shall reserve not less than 25 percent for.~~

(b) TECHNICAL ASSISTANCE.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$12,500,000, to remain available until September 30, 2031, for providing technical assistance to such schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

- (1) to address environmental issues;
- (2) to develop school environmental quality plans that include standards for school building, design, construction, and renovation; and
- (3) to identify and mitigate ongoing air pollution hazards.

Sec. 30108. Low Emissions Electricity Program Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end

The Clean Air Act is amended by inserting after section 134 of such Act, as added by section 30103 of this Act, the following:

"Sec. 135. Low Emissions Electricity Program

"(a) APPROPRIATIONS.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$100,000,000~~, to remain available until ~~expended (except that no funds shall be disbursed after September 30, 2031), to carry out this section.~~"(b) Use of funds.— Of the amounts made available by subsection (a), the Administrator shall use ~~"(1) not less than September 30, 2031—~~

"(1) \$107,000,000 for consumer-related education and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(2) not less than \$107,000,000 for education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(3) ~~not less than \$107,000,000~~ for industry-related outreach and technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(4) ~~not less than \$107,000,000~~ for outreach and technical assistance to State and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

"(5) ~~not less than \$1,000,000~~ to assess, not later than ~~the date that is~~ 1 year after the date of enactment of this section, the reductions in greenhouse gas emissions that result from changes in domestic electricity generation and use that are anticipated to occur on an annual basis through fiscal year 2031; and

"(6) ~~not less than \$20~~ \$18,000,000 to carry out this section to ensure that the anticipated reductions in greenhouse gas emissions from domestic electricity generation and use as assessed under paragraph (5) are achieved through use of the authorities of this Act, including through the establishment of requirements under this Act.

"(b) ADMINISTRATION OF FUNDS.— Of the amounts made available under subsection (a), the Administrator shall reserve 2 percent for the administrative costs necessary to carry out activities pursuant to that subsection."

Sec. 30109. Funding for section 211(o) of the Clean Air Act

(a) TEST AND PROTOCOL DEVELOPMENT.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$45,000,000, to remain available until ~~expended~~ September 30, 2031, to carry out section 211(o) of the Clean Air Act (42 U.S.C. 7545), ~~of which— (1) not less than \$5,000,000 shall be for (o),~~ with respect to—

(1) the development and establishment of tests and protocols regarding the environmental and public health effects of a fuel or fuel additive;

(2) internal and extramural data collection and analyses to regularly update applicable regulations, guidance, and procedures for determining lifecycle greenhouse gas emissions of a fuel; and

(3) the review, analysis and evaluation of the impacts of all transportation fuels, including fuel lifecycle implications, on the general public and on low-income and disadvantaged communities; ~~and (2) not less than \$5,000,000 shall be for new grants to industry and other related activities.~~

(b) INVESTMENTS IN ADVANCED BIOFUELS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,000,000 to remain available until September 30, 2031, for new grants to industry and other related activities under section ⁽¹⁾ 211(o) of the Clean Air Act (42 U.S.C. 7545(o)), to support investments in advanced biofuels.

Sec. 30110. Funding for implementation of the American Innovation and Manufacturing Act

(a) APPROPRIATIONS.—

(1) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$420,000,000, to remain available until September 30, 2026, to carry out ~~section 103~~ of division S of Public Law 116–260, of which — (1) \$3,500,000 shall be to deploy new implementation and compliance tools; and (2) \$15,000,000 shall be for competitive grants for reclaim and innovative destruction technologies subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(2) IMPLEMENTATION AND COMPLIANCE TOOLS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$3,500,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(3) COMPETITIVE GRANTS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$15,000,000, to remain available until September 30, 2026, for competitive grants for reclaim and innovative destruction technologies under subsections (a) through (i) and subsection (k) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

(b) ADMINISTRATION OF FUNDS.— Of the funds made available pursuant to subsection (a)(23), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs ~~of carrying out~~ necessary to carry out activities pursuant to such subsection 403.

Sec. 30111. Funding for enforcement technology and public information

(a) COMPLIANCE MONITORING.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5037,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031), to address air pollution, of which —~~ (1) \$37,000,000 shall be to update the Integrated Compliance Information System of the Environmental Protection Agency and any associated systems, necessary information technology infrastructure, or public access software tools to ensure access to compliance data and related information;.

(2) ~~\$7,000,000 shall be~~ (b) COMMUNICATIONS WITH ICIS.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental

Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$7,000,000, to remain available until September 30, 2031, for grants to States, Indian Tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)) to update their systems to ensure communication with ~~such~~the Integrated Compliance Information System and any associated systems; and (3) \$6,000,000 shall be of the Environmental Protection Agency and any associated systems.

(c) INSPECTION SOFTWARE.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$6,000,000, to remain available until September 30, 2031—

- (1) to acquire or update inspection software for use by the Environmental Protection Agency, States, Indian Tribes, and air pollution control agencies (as such terms are defined in section 302 of the Clean Air Act (42 U.S.C. 7602)); or
- (2) to acquire necessary devices on which to run such inspection software.

Sec. 30112. Greenhouse gas corporate reporting

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency Office of Air and Radiation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031)~~, for the Environmental Protection Agency to support—

- (1) enhanced standardization and transparency of corporate climate action commitments and plans to reduce greenhouse gas emissions;
- (2) enhanced transparency regarding progress toward meeting such commitments and implementing such plans; and
- (3) progress toward meeting such commitments and implementing such plans.

Sec. 30113. Environmental product declaration assistance

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031)~~, to develop and carry out a program, ~~to be known as the Environmental Product Declaration Assistance Program~~, to support the development, and enhanced standardization and transparency, of environmental product declarations for construction materials and products, including by—

- (1) providing grants to businesses that manufacture construction materials and products for developing and verifying environmental product declarations;

(2) providing technical assistance to businesses that manufacture construction materials and products in developing and verifying environmental product declarations; and

(3) carrying out other activities that assist in measuring and steadily reducing the quantity of embodied carbon of construction materials and products.

(b) ~~ADMINISTRATION OF FUNDING COSTS.~~— Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 7.5 percent for administrative costs necessary to carry out this section.

(c) DEFINITIONS.— In this section:

(1) EMBODIED CARBON.— The term "embodied carbon" means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.— The term "environmental product declaration" means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration, as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

Sec. 30114. Environmental Protection Agency methane fee (a) Appropriation Methane emissions reduction program

The Clean Air Act is amended by inserting after section 135 of such Act, as added by section 30108 of this Act, the following:

"Sec. 136. Methane emissions and waste reduction incentive program for petroleum and natural gas systems

~~"(a) INCENTIVES FOR METHANE MITIGATION AND MONITORING.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$775,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2024), to carry out section 136 of the Clean Air Act, as added by this section. (b) Amendment.— Part A of title I of the Clean Air Act (42 U.S.C. 7401 et seq.), as amended, is further amended by adding at the end the following: "Sec. 136. Methane fee from petroleum and natural gas systems "(a) In general.— The Administrator shall impose and collect a fee from the September 30, 2028—~~

~~"(1) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to~~

owners and operators of applicable facilities preparing and submitting greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations (or successor regulations);

"(2) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency authorized under subsections (a) through (c) of section 103 for methane emissions monitoring;

"(3) for grants, rebates, contracts, loans, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for—

"(A) improving climate resiliency of communities and petroleum and natural gas systems;

"(B) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions and waste;

"(C) supporting innovation in reducing methane and other greenhouse gas emissions and waste from petroleum and natural gas systems;

"(D) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and

"(E) supporting environmental restoration; and

"(4) to cover all direct and indirect costs required to administer this section, including the costs of implementing the waste emissions charge, preparing inventories, gathering empirical data, and tracking emissions.

"(b) WASTE EMISSIONS CHARGE.— The Administrator shall impose and collect a charge on methane emissions that exceed an applicable waste emissions threshold under subsection (e) from an owner or operator of each applicable facility that is required to report methane emissions pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations).

"(b) APPLICABLE FACILITY.— For purposes of this section, the term 'applicable facility' means a facility within the following industry segments, as defined in subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations):

"(1) Offshore petroleum and natural gas production.

"(2) Onshore petroleum and natural gas production.

"(3) ~~Nonshore~~ natural gas processing,

"(4) ~~Nonshore~~ natural gas transmission and compression.

"(5) Underground natural gas storage.

"(6) Liquefied natural gas storage.

"(7) Liquefied natural gas import and export equipment.

"(8) Onshore petroleum and natural gas gathering and boosting.

"(9) Onshore natural gas transmission pipeline.

"(ed) ~~Fee~~CHARGE ~~AMOUNT~~.— The amount of a ~~fee imposed and collected~~charge under subsection (ab) for an applicable facility shall be equal to the product obtained by multiplying—

"(1) ~~subject to subsection (d)~~, the number of tons of methane reported for the applicable facility emitted above the applicable annual waste emissions thresholds listed in (e), pursuant to subpart W of part 98 of title 40, Code of Federal Regulations (or any successor regulations), during the previous reporting period; and

"(2) ~~\$1500~~.

"(A) \$900 for emissions reported for calendar year 2023;

"(B) ~~Intensity~~\$1200 for emissions reported for calendar year 2024; or

"(C) \$1500 for emissions reported for calendar year 2025 and each year thereafter.

"(e) WASTE EMISSIONS THRESHOLD.—

"(1) PETROLEUM AND NATURAL GAS PRODUCTION.— With respect to imposing and collecting the ~~fe~~charge under subsection (ab) for an applicable facility in an industry segment listed in paragraph (1) or (2) of subsection (bc), the Administrator shall impose and collect the ~~fe~~charge on the reported tons of methane emissions that exceed—

"(A) 0.20 percent of the natural gas sent to sale from such facility; or

"(B) 10 metric tons of methane per million barrels of oil sent to sale from such facility, if such facility sent no natural gas to sale.

"(2) NONPRODUCTION PETROLEUM AND NATURAL GAS SYSTEMS.— With respect to imposing and collecting the ~~fe~~charge under subsection (ab) for an applicable facility in an industry segment listed in paragraph (3), ~~(5)~~, (6), (7), or (8) of subsection (bc), the Administrator shall impose and collect the ~~fe~~charge on the reported tons of methane emissions that exceed 0.05 percent of the natural gas sent to sale from such facility.

"(3) NATURAL GAS TRANSMISSION.— With respect to imposing and collecting the ~~fe~~charge under subsection (ab) for an applicable facility in an industry segment listed in paragraph (4), ~~(5)~~, or (9) of subsection (bc), the Administrator shall impose and collect the ~~fe~~charge on the reported tons of methane emissions that exceed 0.11 percent of the natural gas sent to sale from such facility.

"(e4) EXEMPTION.— Charges under paragraph (1) shall not be imposed with respect to emissions caused by unreasonable delay in environmental permitting of gathering infrastructure.

"(f) PERIOD.— The ~~fe~~charge under subsection (ab) shall be imposed and collected beginning with respect to emissions reported for calendar year 2023 and for each year thereafter.

"(fg) IMPLEMENTATION.— In addition to other authorities in this Act addressing air pollution from the oil and natural gas sectors, the Administrator may issue guidance or regulations as necessary to carry out this section.

"(g~~h~~) REPORTING.— Not later than 2 years after the date of enactment of this section, and as necessary thereafter, the Administrator shall revise the requirements of subpart W of part 98 of title 40, Code of Federal Regulations—

"(1) to reduce the facility emissions threshold for reporting under such subpart and for paying the fecharge imposed under this section to 10,000 metric tons of carbon dioxide equivalent of greenhouse gases emitted per year; and

"(2) to ensure the reporting under such subpart, and calculation of fecharges under subsections (e~~d~~) and (e) of this section, are based on empirical data and accurately reflect the total methane emissions and waste emissions from the applicable facilities.

"(h~~i~~) LIABILITY FOR FECHARGE PAYMENT.— A facility owner or operator's liability for payment of the fecharge under subsection (a~~b~~) is not affected in any way by emission standards, permit fees, penalties, or other requirements under this Act or any other legal authorities."~~(i) Use of proceeds.—~~"(1) Transfer of funds.— For each applicable fiscal year, ~~the Secretary of the Treasury shall, without further appropriation, transfer to the Administrator an amount equal to 75 percent of the amounts received during the preceding fiscal year as a result of the methane fee in subsection (a).~~"(2) Use of funds.— The Administrator shall, without further appropriation, use the amounts transferred under paragraph (1) (except that no funds shall be disbursed after September 30, 2028)— "(A) to cover all direct and indirect costs required to develop and administer this section, including the costs of — "(i) implementing the fee; "(ii) continuous emissions and ambient methane and other greenhouse gas monitoring; "(iii) preparing generally applicable regulations, or guidance; "(iv) modeling, analyses, and demonstrations; and "(v) preparing inventories, gathering empirical data, and tracking emissions; "(B) for grants, rebates, contracts and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to owners and operators of applicable facilities preparing and submitting greenhouse gas reports under subpart W of part 98 of title 40, Code of Federal Regulations (or successor regulations); "(C) for grants, rebates, contracts, and other activities of the Environmental Protection Agency authorized under section 103 for methane emissions monitoring; and "(D) for grants, rebates, contracts, and other activities of the Environmental Protection Agency for the purposes of providing financial and technical assistance to reduce methane and other greenhouse gas emissions from petroleum and natural gas systems, mitigate legacy air pollution from petroleum and natural gas systems, and provide support for communities, including funding for — "(i) improving climate resiliency of communities and petroleum and natural gas systems; "(ii) improving and deploying industrial equipment and processes that reduce methane and other greenhouse gas emissions; "(iii) supporting innovation in reducing methane and other greenhouse gas emissions from petroleum and natural gas systems; "(iv) mitigating health effects of methane and other greenhouse gas emissions, and legacy air pollution from petroleum and natural gas systems in low-income and disadvantaged communities; and "(v) supporting environmental restoration."

(1)

Sec. 30115. Funding for the Office of the Inspector General of the Environmental Protection Agency.

In addition to amounts otherwise made available, there is appropriated to the Office of the Inspector General of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until September 30, 2031, for oversight of activities supported with funds appropriated to the Environmental Protection Agency in this Act.

Sec. 30116. Climate Pollution Reduction Grants

The Clean Air Act is amended by inserting after section 136 of such Act, as added by section 30114 of this Act, the following:

"Sec. 137. Greenhouse Gas Air Pollution Plans and Implementation Grants

"(a) APPROPRIATIONS.—

"(1) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, \$250,000,000, to remain available until September 30, 2031, to carry out subsection (b).

"(2) GREENHOUSE GAS AIR POLLUTION IMPLEMENTATION GRANTS.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, \$4,750,000,000, to remain available until September 30, 2031, to carry out subsection (c).

"(3) ADMINISTRATIVE COSTS.— Of the funds made available under paragraph (2), the Administrator shall reserve 3 percent for administrative costs necessary to carry out this section, including providing technical assistance to eligible entities, developing a plan that could be used as a model by grantees in developing a plan under subsection (b), and modeling the effects of plans described in this section.

"(b) GREENHOUSE GAS AIR POLLUTION PLANNING GRANTS.— The Administrator shall make a grant to at least one eligible entity in each State for the costs of developing a plan for the reduction of greenhouse gas air pollution to be submitted with an application for a grant under subsection (c). Each such plan shall include programs, policies, measures, and projects that will achieve or facilitate the reduction of greenhouse gas air pollution. Not later than 270 days after the date of enactment of this section, the Administrator shall publish a funding opportunity announcement for grants under this subsection.

"(c) GREENHOUSE GAS AIR POLLUTION REDUCTION IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.— The Administrator shall competitively award grants to eligible entities to implement plans developed under subsection (b).

"(2) APPLICATION.— To apply for a grant under this subsection, an eligible entity shall submit to the Administrator an application at such time, in such manner, and containing such information as the Administrator shall require, which such application shall include information regarding—

"(A) the degree to which greenhouse gas air pollution is projected to be reduced, including with respect to low-income and disadvantaged communities; and

"(B) the quantifiability, specificity, additionality, permanence, and verifiability of such projected greenhouse gas air pollution reduction.

"(3) TERMS AND CONDITIONS.— The Administrator shall make funds available to a grantee under this subsection in such amounts, upon such a schedule, and subject to such conditions based on its performance in implementing its plan submitted under this section and in achieving projected greenhouse gas air pollution reduction, as determined by the Administrator.

"(d) ELIGIBLE ENTITY DEFINED.— In this section, the term 'eligible entity' means—

"(1) a State;

"(2) an air pollution control agency;

"(3) a municipality;

"(4) an Indian tribe; and

"(5) a group of one or more entities listed in paragraphs (1) through (4)."

Sec. 30117. Environmental Protection Agency efficient, accurate, and timely reviews

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to remain available until September 30, 2026, to provide for the development of efficient, accurate, and timely reviews for permitting and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

[NOTE-- DELETED /tll/stB/s30201: Sec. 30201. Superfund investments]

[NOTE-- MOVED /tll/stB/s30202 to /tll/stA/s30118]

Sec. 30202. ~~Funding To address toxics in schools~~118. Low-embodied carbon labeling for construction materials for transportation projects

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5100,000,000, to remain available until expended, for grants, contracts, and other activities to reduce pollution at schools in low-income and disadvantaged communities under title V of the Toxic

Substance September 30, 2026, to develop and carry out a program, in consultation with the Administrator of the Federal Highway Administration, to identify and label, based on environmental product declarations, low-embodied carbon construction materials and products used for transportation projects, and for necessary administrative costs of the Administrator of the Environmental Protection Agency to carry out this section.

(b) DEFINITIONS.— In this section:

(1) EMBODIED CARBON.— The term "embodied carbon" means the quantity of greenhouse gas emissions associated with all relevant stages of production of a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(2) ENVIRONMENTAL PRODUCT DECLARATION.— The term "environmental product declaration" means a document that reports the environmental impact of a material or product that—

(A) includes measurement of the embodied carbon of the material or product;

(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is developed in accordance with any standardized reporting criteria specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.— The term "low-embodied carbon construction materials and products" means ~~Construction Act~~ ~~(45 U.S.C. 2695 et seq.)~~ construction materials and products identified by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to estimated industry averages of similar materials or products:

Subtitle B— Hazardous Materials

Sec. 30201. Grants to reduce waste in communities

The Solid Waste Disposal Act is amended by inserting after section 7010 (42 U.S.C. 6979b) the following:

"Sec. 7011. Grants to reduce waste in communities

"(a) APPROPRIATIONS.—

"(1) ORGANICS RECYCLING AND FOOD WASTE.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$95,000,000, to remain available until expended, to make grants, on a competitive basis, to eligible recipients for ⁽¹⁾ projects in, or directly serving, low-income or disadvantaged communities to—

"(A) construct, expand, or modernize infrastructure for recycling and reuse of organic material, including any facility, machinery, or equipment used to collect and process organic material; or

"(B) measure, reduce, and prevent food waste.

"(2) OTHER WASTE REDUCTION ACTIVITIES.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$95,000,000, to remain available until expended, to make grants, on a competitive basis, to eligible recipients for projects in, or directly serving, low-income or disadvantaged communities to—

"(A) reduce the amount of waste generated from manufacturing processes or when consumer products are disposed of, including by encouraging product or manufacturing redesign or redevelopment that reduces packaging and waste byproducts;

"(B) create market demand or manufacturing capacity for recovered, recyclable, or recycled commodities and products, including compost; or

"(C) support the development and implementation of activities that reduce the amount of waste disposed of in landfills or prevent the disposal of waste in landfills, including—

"(i) expanding the availability of source-separated organic waste collection;

"(ii) encouraging diversion of organic waste from landfills; or

"(iii) increasing fees imposed on the disposal of waste, including organic waste, at landfills.

"(b) ADMINISTRATION OF FUNDS.— Of the amounts made available under subsection (a), the Administrator shall reserve 5 percent for the administrative costs necessary to carry out activities pursuant to that subsection.

"(c) DEFINITION OF ELIGIBLE RECIPIENT.— In this section, the term 'eligible recipient' means—

"(1) a single unit of State, local, or Tribal government; or

"(2) a nonprofit organization."

Sec. 30202. Environmental and climate justice block grants

The Clean Air Act is amended by inserting after section 136, as added by subtitle A of this title, the following:

"Sec. 137. Environmental and climate justice block grants

"(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated— (1)

"(1) \$2,800,000,000 to remain available until expended, to award grants for the activities described in subsection (b); and

"(2) \$200,000,000 to remain available until expended, to provide technical assistance to eligible entities related to grants awarded under this section.

"(b) GRANTS.—

"(1) IN GENERAL.— The Administrator shall use amounts made available under subsection (a)(1) to award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

"(2) ELIGIBLE ACTIVITIES.— An eligible entity may use a grant awarded under this subsection for—

"(A) community-led air and other pollution monitoring, prevention, and remediation, and investments in low- and zero-emission and resilient technologies and related infrastructure and workforce development that help reduce greenhouse gas emissions and other air pollutants;

"(B) mitigating climate and health risks from urban heat islands, extreme heat, wood heater emissions, and wildfire events;

"(C) climate resiliency and adaptation;

"(D) reducing indoor toxics and indoor air pollution; or

"(E) facilitating engagement of disadvantaged communities in State and Federal public processes, including facilitating such engagement in advisory groups, workshops, and rulemakings.

"(3) ELIGIBLE ENTITIES.— In this subsection, the term 'eligible entity' means—

"(A) a partnership between—

"(i) an Indian Tribe, a local government, or an institution of higher education; and

"(ii) a community-based nonprofit organization;

"(B) a community-based nonprofit organization; or

"(C) a partnership of community-based nonprofit organizations.

"(c) ADMINISTRATIVE COSTS.— The Administrator shall reserve 7 percent of the amounts made available under subsection (a) for administrative costs to carry out this section. "

Sec. 30203. Grants to reduce waste in communities (a) In general.—Funding for data collection on national recycling efforts

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$7510,000,000~~ ⁽⁷⁾ \$7510,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2031)~~, to make grants, on a competitive basis, to eligible recipients to ~~(1) minimize the amount of waste generated~~

from manufacturing processes or when consumer products are disposed of, including by encouraging product or manufacturing redesign or redevelopment that reduces packaging and waste byproducts; (2) construct, expand, or modernize infrastructure for organics recycling and reuse, including any facility, machinery, or equipment used to collect and process organic material; (3) create market demand or manufacturing capacity for recovered, recyclable, or recycled commodities and products; (4) support projects and programs that reduce food waste; or (5) support the development and implementation of activities that reduce the amount of waste disposed of in landfills, including— (A) expanding the availability of curbside organic waste collection; (B) encouraging diversion of organic waste from landfills; or (C) increasing fees imposed on the disposal of waste, including organic waste, at landfills. (b) Reservation.— Of the funds made available under this section, the Administrator of the Environmental Protection Agency shall reserve \$300,000,000 for grants for projects in low-income or disadvantaged communities. (c) Administration of funds.— Of the funds made available under this section, the Administrator of the Environmental Protection Agency shall reserve 2 percent for administrative costs to carry out this section. (d) Definition of eligible recipient.— In this section, the term "eligible recipient" means— (1) a single unit of State, local, or Tribal government; (2) a partnership of multiple units of State, local, or Tribal governments; (3) a partnership of one or more units of State, local, or Tribal governments and one or more for-profit or nonprofit organizations; or (4) a nonprofit organization or a partnership of nonprofit organization, to support data collection activities with respect to recycling efforts throughout the nation, with a particular focus on recycling efforts in disadvantaged, low-income, and rural communities that lack access to recycling services.

[NOTE-- DELETED /tlll/stB/s30204: ~~Sec. 30204. Environmental and Climate Justice Block Grants~~]

Subtitle C— Drinking Water

[NOTE-- DELETED /tlll/stC/s30301: ~~Sec. 30301. Lead service line replacement~~]

[NOTE-- MOVED /tlll/stC/s30302 to /tlll/stM/s31401]

[NOTE-- MOVED /tlll/stC/s30303 to /tlll/stC/s30301]

[NOTE-- MOVED /tlll/stC/s30304 to /tlll/stC/s30302]

Sec. 303031. Grants for State Programs Lead remediation projects

(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, \$1,000,000,000; to remain available until expended, for grants September 30, 2026, for—

(1) grants under the lead reduction grant program under section 144359B(b) of the Safe Drinking Water Act (42 U.S.C. 300j-2)19b(b)) to entities eligible for grants

under that program that serve communities determined to be disadvantaged communities pursuant to paragraph (3)(A) of such subsection, for full service line replacement within those disadvantaged communities;

(2) grants for the installation and maintenance of lead filtration stations at schools and child care programs (as defined in section 1464(d)(1) of that Act (42 U.S.C. 300j-24(d)(1)) that serve disadvantaged communities; and

(3) grants under subsection (d) of section 1464 of that Act (42 U.S.C. 300j-24)—

(A) to pay the costs of replacement of drinking water fountains in schools and child care programs that serve disadvantaged communities;

(B) for lead remediation projects in buildings operated by entities eligible for grants under that subsection that serve disadvantaged communities; and

(C) for compliance monitoring in disadvantaged communities.

(b) COST-SHARE WAIVER.— An entity receiving assistance pursuant to this section shall not be required to provide a share of the costs of carrying out the project or activity funded by that assistance.

(c) ADMINISTRATIVE COSTS.— Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

Sec. 303042. Assistance for Colonias Funding for water assistance program

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$~~400~~225,000,000, to remain available until expended, ~~for grants under to~~ provide grants to States, Indian Tribes, and Tribal organizations to assist low-income households that pay a high proportion of household income for drinking water and wastewater (including stormwater) services, particularly households with an annual income that is less than or equal to 150 percent of the Federal poverty line, by providing amounts to community water systems (as defined in section 145601 of the Safe Drinking Water Act (42 U.S.C. 300j-16)f) or publicly owned treatment works (as defined in section 212 of the Federal Water Pollution Control Act (33 U.S.C. 1292)) to reduce the arrearages of and rates charged to those households for those services by up to 100 percent.

(b) REQUIREMENT.— Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve not more than 3 percent to provide the assistance described in that subsection to Indian Tribes and Tribal organizations.

(c) COST-SHARE WAIVER.— An entity receiving assistance pursuant to this section shall not be required to provide a share of the costs of carrying out the activity funded by that assistance.

(d) ADMINISTRATIVE COSTS.— ~~Of~~ Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 7 percent for the administrative costs of carrying out this section.

(e) DEFINITION OF STATE.— In this section, the term "State" means—

- (1) each of the 50 States;
- (2) the District of Columbia;
- (3) the Commonwealth of Puerto Rico;
- (4) American Samoa;
- (5) Guam;
- (6) the United States Virgin Islands; and
- (7) the Commonwealth of the Northern Mariana Islands.

[NOTE-- DELETED /tIII/stC/s30305: Sec. 30305. Grants to reduce lead in school drinking water]

[NOTE-- DELETED /tIII/stC/s30306: Sec. 30306. Grants for Indian Reservation Drinking Water Infrastructure]

[NOTE-- DELETED /tIII/stC/s30307: Sec. 30307. Assistance for Areas Affected by Natural Disasters]

[NOTE-- MOVED /tIII/stC/s30310 to /tIII/stI/p4/s31058]

[NOTE-- MOVED /tIII/stC/s30308 to /tIII/stD/p4/s30445]

[NOTE-- DELETED /tIII/stC/s30311: Sec. 30311. Funding for water assistance program]

Subtitle D— Energy

~~Part 1— Clean Electricity Performance Program~~ ~~Part 2— Residential Efficiency and Electrification Rebates~~

~~Part 3~~2— Building Efficiency and Resilience

~~Part 4~~3— Zero-E-emissions ~~V~~vehicle ~~I~~nfrastructure ~~Buildout~~

~~Part 5~~4— DOE Loan and Grant Programs

~~Part 6~~5— Electric transmission

~~Part 7~~6— Environmental reviews

~~Part 7~~— Industrial

~~Part 8~~— Other Energy Matters

(I)

[NOTE-- DELETED /tIII/stD/p1/s30411: ~~Sec. 30411. Clean Electricity Performance Program~~]

[NOTE-- MOVED /tIII/stD/p2/s30421 to /tIII/stD/p1/s30411]

[NOTE-- MOVED /tIII/stD/p2/s30422 to /tIII/stD/p1/s30412]

[NOTE-- MOVED /tIII/stD/p3/s30431 to /tIII/stD/p4/s30443]

Sec. 3042~~1~~. Home energy performance-based, whole-house rebates and training grants

(a) HOME ON-LINE PERFORMANCE-BASED ENERGY EFFICIENCY (HOPE) CONTRACTOR TRAINING GRANTS.—

~~(1) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy (referred to in this section as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$~~9,003~~60,000,000, to remain available until September 30, 2034~~0~~, to institute guidelines for State energy offices to provide rebates to homeowners and aggregators for whole-house energy saving retrofits as authorized~~ award grants to States to develop and implement a State program described under in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 6322), which shall be made available as follows: (1) Home on-line performance-based energy efficiency (HOPE) contractor training grants.— (A) In general.— \$500,000,000 shall be available for the Secretary to award grants to States through the State Energy Program ~~(d)(13)~~, which shall partner with nonprofit organizations to fund qualifying programs described in subparagraph (B~~2~~) that provide training courses and opportunities to support home energy efficiency upgrade construction services to train workers, both on-line and in-person, to support and provide for the home energy efficiency retrofits under ~~paragraph (2)~~ subsection (b), and for administrative expenses associated with carrying out this subsection.

~~(B~~2~~) QUALIFYING PROGRAMS.— For the purposes of this paragraph, qualifying programs are programs that—~~

~~(i~~A~~) provide the equivalent of at least 30 hours in total course time;~~

~~(ii~~B~~) are provided by a provider that is accredited by the Interstate Renewable Energy Council or has other accreditation determined to be equivalent by the Secretary;~~

~~(iii~~C~~) are, with respect to a particular job, aligned with the relevant National Renewable Energy Laboratory Job Task Analysis, or other credentialing program foundation that helps identify the necessary core knowledge areas, critical work functions, or skills, as approved by the Secretary;~~

~~(iv~~D~~) have established learning objectives;~~

~~(v~~E~~) include, as the Secretary determines appropriate, an appropriate assessment of such learning objectives that may include a final exam, to be proctored on-site or through remote proctoring, or an in-person field exam; and~~

(viE) include training related to—

(hi) contractor certification;

(Hii) energy auditing or assessment;

(Hiii) home energy systems (including Energy Star-qualified HVAC systems and Wi-Fi-enabled home energy communications technology, or any future technology that achieves the same goals);

(Hiv) insulation installation and air leakage control;

(Hv) health and safety regarding the installation of energy efficiency measures or health and safety impacts associated with energy efficiency retrofits;

(Hvi) indoor air quality;

(Hvii) energy efficiency retrofits in manufactured housing; and

(Hviii) residential electrification training and conversion training.

(G3) STATE ENERGY PROGRAM PROVIDERS.— A State energy office may use not more than 10 percent of the amounts made available to the State energy office under this ~~paragraph~~subsection to administer a qualifying program described in ~~sub~~paragraph (B2), including for the conduct of design and operations activities.

(D4) TERMS AND CONDITIONS.—

(iA) ELIGIBLE USE OF FUNDS.— Of the amounts made available to a State under this ~~paragraph~~subsection, 85 percent shall be used by the State—

(hi) to support the operations of qualifying programs, including establishing, modifying, or maintaining the online systems, staff time, and software and online program management, through a course that meets the applicable criteria;

(Hii) to reimburse the contractor company for training costs for employees;

(Hiii) to provide any home technology support needed for an employee to receive training pursuant to this subsection; and

(Hiv) to support wages of employees during training.

(iiB) TIMING OF OBLIGATIONS.— Amounts made available under this ~~paragraph~~subsection shall be used, as necessary, to cover or reimburse allowable costs incurred after the date of enactment of this Act.

(iiiC) UNOBLIGATED AMOUNTS.— Amounts made available under this ~~paragraph~~subsection which are not accepted, are voluntarily returned, or otherwise recaptured for any reason shall be used to fund grants under ~~paragraph~~subsection (2b).

(2b) HOME OWNER MANAGING ENERGY SAVINGS (HOMES) REBATES.—

(A.1) ~~In general.— 95 percent of~~APPROPRIATION.— In addition to amounts ~~made otherwise available under this section shall be available to the Secretary to award grants to State energy offices to establish Home Owner Managing Energy Savings~~

~~(HOMES) Rebate Programs through, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,890,000,000, to remain available until September 30, 2030, to award grants, in accordance with the formula for the State Energy Program under part BD of title III of the Energy Policy and Conservation Act (42 U.S.C. 6291 et seq.), in accordance with the formula for the State Energy Program in effect on January 1, 2021, in effect on January 1, 2021, to State energy offices to establish Home Owner Managing Energy Savings (HOMES) Rebate Programs pursuant to section 362(d)(5) of such Act (42 U.S.C. 6322(d)(5)), and for administrative expenses associated with carrying out this subsection.~~

(B2) COORDINATION.— In carrying out this subsection, the Secretary shall coordinate with State energy offices to ensure that programs that receive awards are formulated to achieve maximum greenhouse gas emissions reductions and household energy and costs savings.

(E3) APPLICATION.— In order to receive a grant under this subsection, a State shall submit to the Secretary an application that includes a plan to implement a qualifying State program that includes—

(iA) a plan to ensure that each home energy efficiency retrofit under the program—

(ti) is completed by a contractor who meets minimum training requirements, certification requirements, and other requirements established by the Secretary; and

(Hii) includes installation of 1 or more home energy efficiency retrofit measures that are modeled to achieve, or are shown to achieve, the minimum reduction required in home energy use, or with respect to a portfolio of home energy efficiency retrofits, in aggregated home energy use for such portfolio;

(#B) a plan—

(ti) to utilize, for purposes of modeled performance home rebates, modeling software, methods, and procedures for determining and documenting the reductions in home energy use resulting from the implementation of a home energy efficiency retrofit that is calibrated to historical energy usage for a home consistent with BPI 2400, that are approved by the Secretary, that can provide evidence for necessary improvements to a State program, and that can help to calibrate models for accuracy;

(Hii) to utilize, for purposes of measured performance home rebates, open-source advanced measurement and verification software approved by the Secretary for determining and documenting the monthly and hourly (if available) weather-normalized baseline energy use of a home, the reductions in monthly and hourly (if available) weather-normalized energy use of a home resulting from the implementation of a home energy efficiency retrofit, and

open-source advanced measurement and verification software approved by the Secretary; and

(iii) to value savings based on time, location, or greenhouse gas emissions;

(iv) procedures for a homeowner to transfer the right to claim a rebate to the contractor performing the applicable home energy efficiency retrofit or to an aggregator, if the State program will utilize aggregators;

(v) if the State program will utilize aggregators to facilitate delivery of rebates to homeowners or contractors, requirements for an entity to be eligible to serve as an aggregator;

(vi) quality monitoring to ensure that each installation that receives a rebate is documented in a certificate, provided by the contractor to the homeowner, that details the work, including information about the characteristics of equipment and materials installed, as well as projected energy savings or energy generation, in a way that will enable the homeowner to clearly communicate the value of the high-performing features funded by the rebate to buyers, real estate agents, appraisers and lenders; and

(vii) a procedure for providing the contractor performing a home energy efficiency retrofit or an aggregator who has the right to claim such rebate with \$200 for each home located in an underserved community that receives a home energy efficiency retrofit for which a rebate is provided under the program.

(D) AMOUNT OF REBATES FOR SINGLE FAMILY AND MULTIFAMILY HOMES.— Of the amounts provided to a State energy office under this subsection, 85 percent shall be used to provide Home Owner Managing Energy Savings (HOMES) Rebates to—

(i) individuals and aggregators for the energy efficiency upgrades of single-family homes of not more than 4 units—

(i) \$2,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 50 percent of the project cost, whichever is lower;

(ii) \$4,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 50 percent of the project cost, whichever is lower; or

(iii) for measured energy savings, a payment per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to \$2,000 for a 20 percent reduction of energy use for the average home in the State, for homes or portfolios of homes that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower;

(ii) multifamily building owners and aggregators for the energy efficiency upgrades of multifamily buildings—

(i) \$2,000 per dwelling unit for a retrofit that achieves at least 20 percent modeled energy system savings up a maximum of \$200,000 per multifamily building;

(H*ii*) \$4,000 per dwelling unit for a retrofit that achieves at least 35 percent modeled energy system savings up to a maximum of \$400,000 per multifamily building; or

(H*iii*) for measured energy savings, a payment rate per kilowatt hours saved, or kilowatt hour-equivalent saved, equal to \$2,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower; or

(H*C*) individuals and aggregators for the energy efficiency upgrades of single family homes of 4 units or less or multifamily buildings that are occupied by residents with an annual income of less than 80 percent of the area median income as published publicly by the Department of Housing and Urban Development—

(H*i*) \$4,000 for a retrofit that achieves at least 20 percent modeled energy system savings or 80 percent of the project cost, whichever is lower;

(H*ii*) \$8,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 80 percent of the project cost, whichever is lower; or

(H*iii*) for measured energy savings, a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to \$4,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 80 percent of the project cost, whichever is lower.

(E5) REQUIREMENT.— Not less than 25 percent of the funds provided to a State energy office under this subsection shall be used for the purposes of each of ~~clause~~ subparagraphs (iA), (H*B*), and (H*C*) of ~~subparagraph~~ (D4).

(F6) ELIGIBILITY OF CERTAIN APPLIANCES.— In calculating total energy savings for single family or multifamily homes under this subsection, a program may include savings from the purchase of high-efficiency natural gas HVAC systems and water heaters certified under the Energy Star program until the date that is 6 years after the date of enactment of this Act.

(G7) PLANNING.— Not to exceed 20 percent of any grant made with funds made available under this ~~paragraph~~ subsection shall be expended for planning and management development and administration.

(H8) TECHNICAL ASSISTANCE.— Amounts made available under this ~~paragraph~~ subsection shall be used for single family, multifamily, and manufactured housing rebates and the Secretary shall, in consultation with States, contractors, and other local technical experts design support, methodology, and contractor criteria as appropriate for the different building stock.

(I9) USE OF FUNDS.— Rebate amounts made available through the High-Efficiency Electric Home Rebate Program established under subsection (b)(1) of section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) ~~(as amended by~~

~~section 30422~~ ~~of as amended by~~ this subtitle) may be used in conjunction with the funds made available under this subsection.

(b) DEFINITIONS.— In this section:

(1) AGGREGATOR.— The term "aggregator" means a gas utility, electric utility, ~~or~~ commercial entity, nonprofit, ~~or~~ entity, or State or local government entity that may receive rebates provided under a State program under this section for 1 or more portfolios consisting of 1 or more energy efficiency retrofits.

(2) CONTRACTOR CERTIFICATION.— The term "contractor certification" means—

(A) an industry recognized certification that may be obtained by a residential contractor to advance the expertise and education of the contractor in energy efficiency retrofits of residential buildings; and

(B) any other certification the Secretary determines appropriate for purposes of the HOMES Rebate Program established under subsection ~~(a)~~(2b).

(3) CONTRACTOR COMPANY.— The term "contractor company" means a company

(A) the business of which is to provide services to residential building owners with respect to HVAC systems, insulation, air sealing, or other services that are approved by the Secretary;

(B) that holds the licenses and insurance required by the State in which the company provides services; and

(C) that provides services for which a rebate may be provided pursuant to the HOMES Rebate Program established under subsection ~~(a)~~(2b).

(4) ENERGY STAR PROGRAM.— The term "Energy Star program" means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

(5) HOME.— The term "home" means a building with not more than 4 dwelling units or a manufactured housing unit (including a unit built before June 15, 1976), that

(A) is located in the United States;

(B) was constructed before the date of enactment of this Act; ~~and~~

(C) is occupied at least 6 months out of the year; and

(D) is not on a military base.

(6) HVAC SYSTEM.— The term "HVAC system" means a system—

(A) is certified under the Energy Star program;

(B) consisting of a heating component, a ventilation component, and an air-conditioning component; and

(C) the components of which may include central air conditioning, a heat pump, a furnace, a boiler, a rooftop unit, and a window unit.

(7) MULTIFAMILY BUILDING.— The term "multifamily building" means a building—

~~(A) with 5 or more dwelling units; and~~

~~(B) that is not on a military base.~~

~~(8) SECRETARY.— The term "Secretary" means the Secretary of Energy.~~

~~(9) STATE ENERGY OFFICE.— The term "State energy office" means the State agency responsible for developing State energy conservation plans under meaning given the term "State energy agency" in section 36291(10) of the Energy Policy and Conservation Act (42 U.S.C. 632271(10)).~~

~~(910) UNDERSERVED COMMUNITY.— The term "underserved community" means—~~

~~(A) a community located in a ZIP Code that includes 1 or more census tracts that are identified as—~~

~~(i) a low-income community; or~~

~~(ii) a community of racial or ethnic minority concentration; or~~

~~(B) any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.~~

Sec. 304212. High-Efficiency Electric Home Rebate Program

(a) IN GENERAL.—

Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended to read as follows:

"Sec. 124. High-Efficiency Electric Home Rebate Program

"(a) APPROPRIATIONS.—

"(1) IN GENERAL.— 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—~~

~~"(A) \$2,226,000,000, to remain available until September 30, 2031, to carry out this section, including to provide rebates under this section, of which the Secretary—~~ "(A) may use not more than \$5,000,000 provide rebates under this section;

~~"(B) \$4,000,000, to remain available until September 30, 2031, for community and consumer education and outreach related to carrying out this section; and~~

~~"(C) shall use not more than \$300,000,000—~~ "(i) \$220,000,000, to remain available until September 30, 2031, to administer this section; and "(ii) to provide administrative and technical support to certified contractor companies, qualified providers, States, and Indian Tribes.

"(2) ADDITIONAL FUNDING FOR TRIBAL COMMUNITIES AND LOW- OR MODERATE-INCOME HOUSEHOLDS.— In addition to amounts otherwise available, there is appropriated to the Secretary ~~(b)~~ fiscal year 2022, out of any money in the Treasury

not otherwise appropriated, \$5,53,800,000,000, to remain available until September 30, 2031, for—

"(A) rebates under this section relating to qualified electrification projects carried out in Tribal communities or for low- or moderate-income households; and

"(B) any necessary administrative or technical support for those qualified electrification projects.

"(b) HIGH-EFFICIENCY ELECTRIC HOME REBATES FOR QUALIFIED ELECTRIFICATION PROJECTS.—

"(1) HIGH-EFFICIENCY ELECTRIC HOME REBATES.— The Secretary shall establish a program within the Department, to be known as the 'High-Efficiency Electric Home Rebate Program', under which the Secretary shall provide to homeowners and owners of multifamily buildings high-efficiency electric home rebates, in accordance with this subsection, for qualified electrification projects carried out at, or relating to, the homes or multifamily buildings, as applicable.

"(2) AMOUNT OF REBATE.—

"(A) IN GENERAL.— Subject to subsection (c)(1)(A), a high-efficiency electric home rebate under paragraph (1) shall be equal to—

"(i) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump used for water heating, not more than \$1,250;

"(ii) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(II) that installs a heat pump HVAC system—

"(I)

"(aa) not more than \$3,000 if the heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

"(bb) not more than \$4,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

"(II)

"(aa) not more than \$1,500 if the heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

"(bb) not more than \$2,000 if the heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

"(III) \$250, in addition to the amount described in subclause (I) or (II), if a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation, air sealing, and ventilation in accordance with clause (v) is completed within 6 months before or after the qualified electrification project described in that subclause;

"(iii) in the case of a qualified electrification project described in subclause (III) or (IV) of subsection (d)(11)(A)(i), not more than \$600;

"(iv) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(I) that installs an electric load or service center panel that enables the installation and use of any upgrade, appliance, system, equipment, infrastructure, component, or other item installed pursuant to any other qualified electrification project, not more than \$3,000;

"(v) in the case of a qualified electrification project described in subsection (d)(11)(A)(i)(V) that installs insulation and air sealing, not more than \$800; and

"(vi) in the case of any other qualified electrification project, including a qualified electrification project described in any of subclauses (I) through (III) of subsection (d)(11)(A)(ii), for which the Secretary provides a high-efficiency electric home rebate, not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B).

"(B) LIMITATIONS ON AMOUNT OF REBATE.—

"(i) MAXIMUM TOTAL AMOUNT.— Subject to subsection (c)(1)(B), the maximum total amount that may be awarded as high-efficiency electric home rebates under this subsection shall be \$10,000 with respect to each home for which a high-efficiency electric home rebate is provided.

"(ii) COSTS.—

"(I) IN GENERAL.— Subject to subsection (c)(1)(C), the amount of a high-efficiency electric home rebate provided to a homeowner under this subsection shall not exceed 50 percent of the total cost of the applicable qualified electrification project.

"(II) LABOR COSTS.— Subject to subsection (c)(1)(C), not more than 50 percent of the labor costs associated with a qualified electrification project may be included in the 50 percent of total costs for which a high-efficiency electric home rebate is provided under this subsection, as described in subclause (I), subject to the condition that labor costs account for not more than 50 percent of the amount of the high-efficiency electric home rebate.

"(3) LIMITATIONS ON QEPs.—

"(A) CONTRACTORS.— A high-efficiency electric home rebate may be provided for a qualified electrification project carried out by a contractor company only if that contractor company is a certified contractor company.

"(B) HEAT PUMP HVAC SYSTEMS.— A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump HVAC system only if the heat pump HVAC system—

"(i) replaces—

"(I) a nonelectric HVAC system;

"(II) an electric resistance HVAC system; or

"(III) an air conditioning unit that—

"(aa) does not have a reversing valve; and

"(bb) has a lower seasonal energy-efficiency ratio than the heat pump HVAC system; or

"(ii) is part of new construction, as determined by the Secretary.

"(C) HEAT PUMPS FOR WATER HEATING.— A high-efficiency electric home rebate may be provided for a qualified electrification project that installs or enables the installation of a heat pump used for water heating only if the heat pump—

"(i) replaces—

"(I) a nonelectric heat pump water heater;

"(II) a nonelectric water heater; or

"(III) an electric resistance water heater; or

"(ii) is part of new construction, as determined by the Secretary.

"(D) ELECTRIC STOVES, COOKTOPS, RANGES, AND OVENS.— A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(III) only if the applicable electric stove, cooktop, range, or oven—

"(i) replaces a nonelectric stove, cooktop, range, or oven; or

"(ii) is part of new construction, as determined by the Secretary.

"(E) ELECTRIC HEAT PUMP CLOTHES DRYERS.— A high-efficiency electric home rebate may be provided for a qualified electrification project described in subsection (d)(11)(A)(i)(IV) only if the applicable electric heat pump clothes dryer —

"(i) replaces a nonelectric clothes dryer; or

"(ii) is part of new construction.

"(4) ADDITIONAL INCENTIVES FOR CONTRACTORS AND QUALIFIED PROVIDERS.—

"(A) GENERAL INCENTIVE.—

"(i) IN GENERAL.— With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of \$100 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.— A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out at a home or multifamily building;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under any of subparagraphs (B) through (D).

"(B) INCENTIVE FOR QEPs IN CERTAIN COMMUNITIES AND HOUSEHOLDS.—

"(i) IN GENERAL.— With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of \$200 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.— A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out at a home or multifamily building that—

"(aa) is located in an underserved community or a Tribal community; or

"(bb) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (C) or (D).

"(C) INCENTIVE FOR CERTAIN LABOR PRACTICES.—

"(i) IN GENERAL.— With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of \$250 to the certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.— A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out—

"(aa) at a home or multifamily building; and

"(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which—

"(aa) all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality; and

"(bb) the certified contractor company or qualified provider is not eligible for a higher payment under subparagraph (D).

"(D) MAXIMUM INCENTIVE.—

"(i) IN GENERAL.— With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of \$500 to the

certified contractor company or qualified provider carrying out the qualified electrification project.

"(ii) QUALIFIED ELECTRIFICATION PROJECT DESCRIBED.— A qualified electrification project referred to in clause (i) is a qualified electrification project—

"(I) that is carried out—

"(aa) at a home or multifamily building that—

"(AA) is located in an underserved community or a Tribal community; or

"(BB) is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income; and

"(bb) by a certified contractor company or qualified provider that allows for the use of collective bargaining agreements;

"(II) for which a rebate is provided under this subsection; and

"(III) with respect to which all laborers and mechanics employed on the qualified electrification project are paid wages at rates not less than those prevailing on projects of a character similar in the locality.

"(E) CLARIFICATION.— An amount provided to a certified contractor company or qualified provider under any of subparagraphs (A) through (D) shall be in addition to the amount of any high-efficiency electric home rebate received by the certified contractor company or qualified provider.

"(5) CLAIM.—

"(A) IN GENERAL.— Subject to paragraph (2)(B), a homeowner, a certified contractor company, or a qualified provider may claim a separate high-efficiency electric home rebate under this subsection for each qualified electrification project carried out at a home.

"(B) TRANSFER.— The Secretary shall establish and publish procedures pursuant to which a homeowner or owner of a multifamily building may transfer the right to claim a rebate under this subsection to the certified contractor company or qualified provider carrying out the applicable qualified electrification project.

"(6) MULTIFAMILY BUILDINGS.—

"(A) IN GENERAL.— Subject to subparagraph (B), the owner of a multifamily building may combine the amounts of high-efficiency electric home rebates for each dwelling unit in the multifamily building into a single rebate, subject to—

"(i) the condition that the applicable qualified electrification projects benefit each dwelling unit with respect to which the rebate is claimed; and

"(ii) any maximum per-dwelling unit rate established by the Secretary.

"(B) COSTS.—

"(i) IN GENERAL.— Subject to clause (ii), the amount of a rebate under subparagraph (A) shall not exceed 50 percent of the total cost, including labor costs, of the applicable qualified electrification projects.

"(ii) LOW- OR MODERATE-INCOME BUILDINGS.— In the case of a multifamily building that is certified by the Secretary as low- or moderate-income, the amount of a rebate under subparagraph (A) shall not exceed 100 percent of the total cost of the applicable qualified electrification projects.

"(C) PROCEDURES.— The Secretary shall establish and publish procedures—

"(i) pursuant to which the owner of a multifamily building may combine rebate amounts in accordance with this subsection; and

"(ii) for the enforcement of any limitations under this subsection.

"(7) PROCESS.—

"(A) REBATE PROCESS.— Not later than July 1, 2022, the Secretary shall establish a rebate processing system that provides immediate price relief for consumers who purchase and have installed qualified electrification projects, in accordance with this section.

"(B) QUALIFIED ELECTRIFICATION PROJECT LIST.—

"(i) IN GENERAL.— Not later than July 1, 2022, the Secretary shall publish a list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection that includes, at a minimum, the qualified electrification projects described in subsection (d)(11) (A).

"(ii) REQUIREMENTS.— The list published under clause (i) shall include specifications for each qualified electrification project included on the list, including—

"(I) appropriate certifications under the Energy Star program; and

"(II) other applicable requirements, such as requirements relating to grid-interactive capability.

"(iii) UPDATES.—

"(I) IN GENERAL.— Not less frequently than once every 3 years and subject to subclause (II), the Secretary shall publish an updated list of qualified electrification projects for which a high-efficiency electric home rebate may be provided under this subsection.

"(II) LIMITATION.— An updated list under subclause (I) shall not allow for any reductions in efficiency levels for qualified electrification projects included on the updated list that are below an efficiency level provided in a previously published version of the list.

"(C) SPECIAL PROVISIONS FOR LOW- AND MODERATE-INCOME HOUSEHOLDS AND MULTIFAMILY BUILDINGS.—

(/)

"(1) MAXIMUM AMOUNTS.— With respect to a qualified electrification project carried out at a location described in paragraph (2)—

"(A) a high-efficiency electric home rebate shall be equal to—

"(i) in the case of a qualified electrification project described in subsection (b)(2)(A)(i), not more than \$1,750;

"(ii) in the case of a qualified electrification project described in subsection (b)(2)(A)(ii)—

"(I)

"(aa) not more than \$6,000 if the applicable heat pump HVAC system has a heating capacity of not less than 27,500 Btu per hour; or

"(bb) not more than \$7,000 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary; and

"(II)

"(aa) not more than \$3,000 if the applicable heat pump HVAC system has a heating capacity of less than 27,500 Btu per hour; or

"(bb) not more than \$3,500 if the applicable heat pump HVAC system meets Energy Star program cold climate criteria and is installed in a cold climate, as determined by the Secretary;

"(iii) in the case of a qualified electrification project described in subsection (b)(2)(A)(iii), not more than \$840;

"(iv) in the case of a qualified electrification project described in subsection (b)(2)(A)(iv), not more than \$4,000;

"(v) in the case of a qualified electrification project described in subsection (b)(2)(A)(v) that installs insulation and air sealing, not more than \$1,600; and

"(vi) in the case of a qualified electrification project described in subsection (b)(2)(A)(vi), not more than an amount determined by the Secretary for that qualified electrification project, subject to subparagraph (B);

"(B) the maximum total amount of high-efficiency electric home rebates that may be awarded with respect to each home of a homeowner shall be \$14,000; and

"(C) the amount of a high-efficiency electric home rebate may be used to cover not more than 100 percent of the costs, including labor costs, of the applicable qualified electrification project.

"(2) LOCATION DESCRIBED.— The maximum amounts described in paragraph (1) shall apply to—

"(A) a home—

"(i) with respect to which the household of the homeowner is certified as low- or moderate-income;

"(ii) that is located in a Tribal community; or

"(iii) in the case of a home that is rented, with respect to which the household of the renter is certified as low- or moderate-income; or

"(B) a multifamily building—

"(i) that—

"(I) is certified as low- or moderate-income; or

"(II) is located in a Tribal community; and

"(ii) with respect to which more than more than ½ of the dwelling units in the multifamily building—

"(I) are occupied by households the annual household incomes of which do not exceed 80 percent of the median annual household income for the area in which the multifamily building is located; and

"(II) have average monthly rental prices that are equal to, or less than, an amount that is equal to 30 percent of the average monthly household income for the area in which the multifamily building is located.

"(3) REQUIREMENT.— The Secretary may provide a rebate in an amount described in paragraph (1) to the owner of a multifamily building or home (in the case of a home that is rented) that meets the requirements of this section if the owner agrees in writing to provide commensurate benefits of future savings to renters in the multifamily building or home.

"(d) DEFINITIONS.— In this section:

"(1) CERTIFIED CONTRACTOR.— The term 'certified contractor' means a contractor with a certification reflecting training, education, or other technical expertise relating to qualified electrification projects for residential buildings, as identified by the Secretary.

"(2) CERTIFIED CONTRACTOR COMPANY.— The term 'certified contractor company' means a company—

"(A) the business of which is to provide services—

"(i) to residential building owners; and

"(ii) for which a rebate may be provided pursuant to this section;

"(B) that holds the licenses and insurance required by the State in which the company provides services; and

"(C) that employs 1 or more certified contractors that perform the services for which a rebate may be provided under this section.

"(3) ELECTRIC LOAD OR SERVICE CENTER UPGRADE.— The term 'electric load or service center upgrade' means an improvement to a circuit breaker panel that enables the installation and use of—

"(A) a QEP described in any of subclauses (II) through (IV) of paragraph (9) (A)(i); or

"(B) a QEP described in any of subclauses (I) through (III) of paragraph (9) (A)(ii).

"(4) ENERGY STAR PROGRAM.— The term 'Energy Star program' means the program established by section 324A of the Energy Policy and Conservation Act (42 U.S.C. 6294a).

"(5) HEAT PUMP.— The term 'heat pump' means a heat pump used for water heating, space heating, or space cooling that—

"(A) relies solely on electricity for its source of power; and

"(B) is air-sourced, geothermal- or ground-sourced, or water-sourced.

"(6) HIGH-EFFICIENCY ELECTRIC HOME REBATE.— The term 'high-efficiency electric home rebate' means a rebate provided in accordance with subsection (b).

"(7) HOME.— The term 'home' means each of—

"(A) a building with not more than 4 dwelling units, individual condominium units, or manufactured housing units, that—

"(i) is located in a State; and

"(ii)

"(I) is the primary residence of—

"(aa) the owner of that building, condominium unit, or manufactured housing unit, as applicable; or

"(bb) a renter; or

"(II) is a new-construction single-family residential home; and

"(B) a unit of a multifamily building that—

"(i) is owned by an individual who is not the owner of the multifamily building;

"(ii) is located in a State, the District of Columbia, or a territory of the United States; and

"(iii) is the primary residence of—

"(I) the owner of that unit; or

"(II) a renter.

"(8) HVAC.— The term 'HVAC' means heating, ventilation, and air conditioning.

"(9) LOW- OR MODERATE-INCOME.— The term 'low- or moderate-income', with respect to a household, means a household—

"(A) with an annual income that is less than 80 percent of the annual median income of the area in which the household is located; ~~or "(B) that is low-income (as defined in section 412 of the Energy Conservation and Production Act (42 U.S.C. 6862)), which such annual median income of the area is determined according to publicly available data; or~~

~~"(B) that is low-income as determined by the Secretary.~~

"(10) MULTIFAMILY BUILDING.— The term 'multifamily building' means any building
(1)

"(A) with 5 or more dwelling units that—

"(i) are built on top of one another or side-by-side; and

"(ii) may share common facilities; and

"(B) that is not a home.

"(11) QUALIFIED ELECTRIFICATION PROJECT; QEP.—

"(A) IN GENERAL.— The terms 'qualified electrification project' and 'QEP' mean a project that, as applicable—

"(i) installs, or enables the installation and use of, in a home or multifamily building—

"(I) an electric load or service center upgrade;

"(II) an electric heat pump;

"(III) an induction or noninduction electric stove, cooktop, range, or oven;

"(IV) an electric heat pump clothes dryer; or

"(V) insulation, air sealing, and ventilation, in accordance with requirements established by the Secretary; or

"(ii) installs, or enables the installation and use of, in a home or multifamily building described in subparagraph (B)—

"(I) a solar photovoltaic system, including any electrical equipment, wiring, or other components necessary for the installation and use of the solar photovoltaic system, including a battery storage system;

"(II) electric vehicle charging infrastructure or electric vehicle support equipment necessary to recharge an electric vehicle on-site; or

"(III) electrical rewiring, power sharing plugs, or other installation tasks directly related to and necessary for the safe and effective functioning of a QEP in a home or multifamily building.

"(B) HOME OR MULTIFAMILY BUILDING DESCRIBED.— A home or multifamily building referred to in subparagraph (A)(ii) is a home or multifamily building that is certified, or the household of the homeowner of which is certified, as applicable, as low- or moderate-income.

"(C) EXCLUSIONS.— The terms 'qualified electrification project' and 'QEP' do not include any project with respect to which the appliance, system, equipment, infrastructure, component, or other item described in clause (i) or (ii) of subparagraph (A) is not certified under the Energy Star program if, as of the date on which the project is carried out, the item is of a category for which a certification is provided under that program.

"(12) QUALIFIED PROVIDER.— The term 'qualified provider' means an electric utility, Tribal-owned entity or Tribally Designated Housing Entity (TDHE), or commercial, nonprofit, or government entity, including a retailer and a certified contractor company, that provides services for which a rebate may be provided

pursuant to this section for 1 or more portfolios that consist of 1 or more qualified electrification projects.

"(13) SOLAR PHOTOVOLTAIC SYSTEM.— The term 'solar photovoltaic system' means a system—

"(A) placed on-site at a home or multifamily building, or as part of the community of the home or multifamily building; and

"(B) that generates electricity from the sun specifically for the home, multifamily building, or community.

"(14) TRIBAL COMMUNITY.— The term 'Tribal community' means a Tribal tract or Tribal block group.

"(15) UNDERSERVED COMMUNITY.— The term 'underserved community' means a community located in a census tract that is identified by the Secretary as—

"(A) a low- or moderate-income community; or

"(B) a community of racial or ethnic minority concentration."

(b) CONFORMING AMENDMENTS.—

(1) The table of contents for the Energy Policy Act of 2005 (Public Law 109–58; 119 Stat. 594) is amended by striking the item relating to section 124 and inserting the following:

"Sec. 124. High-Efficiency Electric Home Rebate Program."

(2) Section 3201(c)(2)(A)(i) of the Energy Act of 2020 (42 U.S.C. 17232(c)(2)(A)(i)) is amended by striking "(a)" each place it appears.

[NOTE-- MOVED /tIII/stD/p3/s30432 to /tIII/stD/p2/s30421]

[NOTE-- MOVED /tIII/stD/p3/s30433 to /tIII/stD/p2/s30422]

[NOTE-- MOVED /tIII/stD/p4/s30441 to /tIII/stD/p3/s30431]

Sec. 304321. Critical facility modernization

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$3,250,000,000, to remain available until September 30, 2031, to carry out a program under which the Secretary of Energy provides funds to States to be used in accordance with subsection (c).

(b) ALLOCATION OF FUNDS.— The Secretary of Energy shall allocate funds made available under subsection (a) to States in accordance with the formula used to allocate Federal financial assistance granted pursuant to section 363 of the Energy Policy and Conservation Act (42 U.S.C. 6323) (as of January 1, 2021), except that no matching requirement shall apply.

(c) USE OF FUNDS.— (f)

(1) IN GENERAL.— A State that receives funds under this section shall use such funds to—

- (A) provide technical assistance for carrying out a covered project;
- (B) facilitate carrying out a covered project, including by providing a grant, loan, or other financial assistance to another entity;
- (C) carry out a covered project; or
- (D) pay for any administrative expenses related to any activity described in subparagraphs (A) through (C).

(2) LIMIT ON TECHNICAL ASSISTANCE.— A State that receives funds under this section may not use more than 10 percent of such funds to provide technical assistance under paragraph (1)(A) related to the development, facilitation, management, oversight, or measurement of results of covered projects.

(d) DEFINITIONS.— In this section:

(1) COVERED PROJECT.— The term "covered project" means a building project at an eligible facility that—

(A) increases—

~~(i) the resiliency of an eligible facility, which includes— (I) making improvements to public health and safety; (II) mitigating power outages; (III) hardening against natural disasters; (IV) improving indoor air quality; and (V) making any modifications necessitated by the COVID-19 pandemic; (ii) energy efficiency; (iii) the use of renewable energy; or (iv) grid integration; and (B) may include a combined heat and power, microgrid, or energy storage component. (2) Eligible facility.— The term "eligible facility" means any public or nonprofit building, as determined by the Secretary, including— (A) a public school, including an elementary school and a secondary school; (B) a facility used to operate an early childhood education program; (C) the facilities of a local educational agency; (D) a medical facility; (E) a local or State government building; (F) a community facility; (G) a public safety facility; (H) a day care center; (I) an institution of higher education; (J) a public library; and (K) a wastewater treatment facility. (3) Public or nonprofit building.— The term "public or nonprofit building;~~

~~(ii) energy efficiency;~~

~~(iii) the use of renewable energy; or~~

~~(iv) grid integration; and~~

~~(B) may include a combined heat and power, microgrid, or energy storage component.~~

~~(2) ELIGIBLE FACILITY.— The term "eligible facility" means a public or nonprofit building described in section 362(d)(5)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)(5)(B)).~~

~~(3) STATE.— The term "State" has the meaning given the term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).~~

Sec. 3043322. Assistance for latest and zero building energy code adoption

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

(1) ~~\$3100,000,000~~, to remain available until September 30, 2031, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326); ~~of which—~~ in accordance with subsection (b); and

(2) ~~\$4200,000,000~~, ~~shall be to remain available until September 30, 2031, to carry out activities under part D of title III of the Energy Policy and Conservation Act (42 U.S.C. 6321 through 6326) in accordance with subsection (c).~~

(b) LATEST BUILDING ENERGY CODE.— The Secretary of Energy shall use funds made available under subsection (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes, to—

~~(A1)~~ adopt—

~~(iA)~~ a building energy code (or codes) for residential buildings that meets or exceeds the 2021 International Energy Conservation Code, or achieves equivalent or greater energy savings;

~~(iB)~~ a building energy code (or codes) for commercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1–2019, or achieves equivalent or greater energy savings; or

~~(iC)~~ any combination of building energy codes described in ~~clause~~ subparagraph (iA) or (iB); and

~~(B2)~~ implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under ~~subparagraph (A1)~~ in new and renovated residential or commercial buildings, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year; ~~and (2) \$200,000,000, shall be.~~

(c) ZERO ENERGY CODE.— The Secretary of Energy shall use funds made available under subsection (a)(2) for grants to assist States, and units of local government that have authority to adopt building codes, to—

~~(A1)~~ adopt a building energy code (or codes) for residential and commercial buildings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent stretch code; and

~~(B2)~~ implement a plan for the jurisdiction to achieve full compliance with any building energy code adopted under ~~subparagraph (A1)~~ in new and renovated residential and commercial buildings, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

~~(b1) STATE MATCH.— The State~~ cost share requirement under the item relating to "Department of Energy—Energy Conservation" in title II of the Department of the Interior

and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6323a; 98 Stat. 1861) shall not apply to assistance provided under this section.

(ee) STATE DEFINED.— In this section, the term "State" has the meaning given that term in section 3 of the Energy Policy and Conservation Act (42 U.S.C. 6202).

(f) ADMINISTRATIVE COSTS.— Of the amounts made available under this section, the Secretary shall reserve 5 percent for administrative costs necessary to carry out this section.

Sec. 304431. Definitions In this part: (1) ~~Electric vehicle.— The term "electric vehicle" means a vehicle that derives all or part of its power from electricity.~~ (2) ~~Electric vehicle supply equipment.— The term "electric vehicle supply equipment" means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, electrical equipment, off-grid charging installations, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle.~~ (3) ~~Secretary.— The term "Secretary" means the Secretary of Energy.~~ **Zero-emissions vehicle infrastructure grants**

(a) 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, to remain available through September 30, 2028—

(1) \$600,000,000 to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out publicly accessible level 2 electric vehicle supply equipment in rural communities or underserved or disadvantaged communities;

(2) \$200,000,000 to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out publicly accessible networked direct current fast electric vehicle supply equipment in rural communities or underserved or disadvantaged communities; and

(3) \$200,000,000 to provide financial assistance to States to develop and implement State programs described in subsection (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out hydrogen fueling stations in rural communities or underserved or disadvantaged communities.

(b) REQUIREMENTS.—

(1) RULEMAKING.—

(A) IN GENERAL.— Not ⁽¹⁾later than 180 days after the date of enactment of this Act, the Secretary shall issue regulations for measures required to be included in

any State program that receives financial assistance under this section.

(B) ADMINISTRATIVE EXPENSES.— The regulations issued under this paragraph shall require a State receiving financial assistance under this section to use not more than 5 percent of such financial assistance for administrative purposes.

(C) NO MATCHING FUNDS REQUIREMENT.— The regulations issued under this paragraph shall not require a State receiving financial assistance under this section to provide a share of the costs of projects carried out pursuant to this section.

(2) ELIGIBLE ENTITIES.— Financial assistance provided by a State using funds made available under this section shall only be available to eligible entities.

(3) THIRD-PARTY CONTRACTS.— A State or eligible entity may enter into a contract with a private third-party entity for the build out of electric vehicle supply equipment or hydrogen fueling stations under subsection (a).

(4) USE OF PRIVATE PROPERTY.— A State or eligible entity may enter into an agreement for the use of publicly accessible private property.

(5) LIMITATION.— The Secretary shall ensure that no entity receives a profit for access to or hosting of electric vehicle supply equipment or hydrogen fueling stations built out under a contract entered into under paragraph (3) or pursuant to an agreement entered into under paragraph (4), except that the Secretary shall determine an appropriate amount of profit that an entity may receive for the sale of electricity or hydrogen and the operation and maintenance of such electric vehicle supply equipment or hydrogen fueling stations.

(6) REALLOCATION OF FUNDS.— A State shall return to the Secretary any funds received under subsection (a) that the State does not award within 3 years of receiving such funds, and the Secretary shall reallocate such funds to other States.

(c) DEFINITIONS.— In this section:

(1) ELECTRIC VEHICLE SUPPLY EQUIPMENT.— The term "electric vehicle supply equipment" means any conductors, including ungrounded, grounded, and equipment grounding conductors, electric vehicle connectors, attachment plugs, and all other fittings, devices, power outlets, electrical equipment, off-grid charging installations, or apparatuses installed specifically for the purpose of delivering energy to an electric vehicle or to a battery intended to be used in an electric vehicle.

(2) ELIGIBLE ENTITY.— The term "eligible entity" means a local, Tribal, or territorial government, a not-for-profit entity, a nonprofit entity, a metropolitan planning organization, or an entity with fewer than 50 employees, as determined by the Secretary.

(3) LEVEL 2 ELECTRIC VEHICLE SUPPLY EQUIPMENT.— The term "level 2 electric vehicle supply equipment" means electric vehicle supply equipment that provides an alternating current power source at a minimum of 208 volts.

(4) NETWORKED DIRECT CURRENT FAST ELECTRIC VEHICLE SUPPLY EQUIPMENT.— The term "networked direct current fast electric vehicle supply equipment" means electric vehicle supply equipment that is capable of providing a direct current power source at a minimum of 50 kilowatts and is enabled to connect to a network to facilitate data collection and access.

(5) PRIVATE THIRD-PARTY ENTITY.— The term "private third-party entity" means a non-governmental entity, including a private business, that is able to contract with the State or an eligible entity to carry out projects to build out electric vehicle supply equipment or hydrogen fueling stations.

(6) PUBLICLY ACCESSIBLE.— The term "publicly accessible" means available to members of the public, including within or around—

(A) public sidewalks and streets;

(B) public parks;

(D) multiunit housing structures;

(C) public buildings;

(D) public parking;

(E) shopping centers;

(F) commuter transit hubs;

(G) workplaces;

(H) commercial locations that are accessible for a minimum of 12 hours per day at least 5 days a week, and capable of being monitored remotely; or

(I) other locations that are accessible for a minimum of 12 hours per day at least 5 days a week, and capable of being monitored remotely.

(7) SECRETARY.— The term "Secretary" means the Secretary of Energy.

(8) UNDERSERVED OR DISADVANTAGED COMMUNITY.— The term "underserved or disadvantaged community" means a community or geographic area that is identified by the Secretary as—

(A) a low-income community;

(B) a Tribal community;

(C) having a disproportionately low number of electric vehicle charging stations per capita, compared to similar areas; or

(D) disproportionately vulnerable to, or bearing a disproportionate burden of, any combination of economic, social, environmental, or climate stressors.

[NOTE-- DELETED /t/III/stD/p4/s30442: ~~Sec. 30442. Electric vehicle supply equipment rebate program~~]

[NOTE-- MOVED /t/III/stD/p4/s30443 to /t/III/stI/p1/s31002]

[NOTE-- DELETED /t/III/stD/p4/s30444: ~~Sec. 30444. State energy plans~~]

[NOTE-- DELETED /tIII/stD/p4/s30445: ~~Sec. 30445. Transportation electrification~~]

[NOTE-- MOVED /tIII/stD/p5/s30451 to /tIII/stD/p4/s30441]

[NOTE-- MOVED /tIII/stD/p5/s30452 to /tIII/stD/p4/s30442]

Sec. 304541. Funding for Department of Energy Loan Programs Office

(a) COMMITMENT AUTHORITY.— In addition to commitment authority otherwise available and previously provided, the Secretary of Energy may make commitments to guarantee loans for eligible projects under section 1703 of the Energy Policy Act of 2005 up to a total principal amount of ~~\$340,000,000,000~~, to remain available until September 30, 2031, ~~except that no commitments shall be made using the authority provided by this section after September 30, 2031~~²⁶: *Provided*, That for amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be a loan or other debt obligation that is guaranteed by the Federal Government: *Provided further*, That none of the loan guarantee authority made available by this section shall be available for any project unless the ~~Director of the Office of Management and Budget~~^{President} has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section: *Provided further*, That none of such loan guarantee authority made available by this section shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: *Provided further*, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority provided by this section for commitments to guarantee loans for—

(1) projects as a result of such projects benefitting from otherwise allowable Federal tax benefits;

(2) projects as a result of such projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is—

(A) paid exclusively in cash;

(B) deposited in the Treasury as offsetting receipts; and

(C) equal to the fair market value ~~as determined by the head of the relevant Federal agency~~;

(3) projects as a result of such projects benefitting from the Federal insurance programs under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or

(4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have

been authorized, approved, and financed independent of the project receiving the guarantee.

(b) APPROPRIATION.— In addition to amounts otherwise available and previously provided, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$73,600,000,000~~, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2034)~~²⁶, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005, using the loan guarantee authority provided under subsection (a) of this section, ~~for renewable or energy-efficient systems and manufacturing, and distributed energy generation, transmission, and distribution.~~

(c) ADMINISTRATIVE EXPENSES.— Of the amount made available under subsection (b), the Secretary of Energy shall reserve 3 percent for administrative expenses to carry out title XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act.

Sec. 304542. Advanced technology vehicle manufacturing

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$3,000,000,000, to remain available until expended ~~(except that no funds shall be disbursed after September 30, 2034)~~²⁸, for the costs of—

(1) providing direct loans under ~~subsection 136(d) of section 136~~ of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013~~(d)~~); and

(2) providing direct loans, in accordance with ~~such~~ section 136 of such Act, for reequipping, expanding, or establishing a manufacturing facility in the United States to produce, or for engineering integration performed in the United States of:—

~~(A) a medium duty vehicle or a heavy duty vehicle; or~~

(B) any of the following that emit, under any possible operational mode or condition, zero exhaust emissions of any greenhouse gas:

~~(A) A medium-duty vehicle or a heavy-duty vehicle. (B) A train or locomotive.~~

~~(E)ii) A maritime vessel.~~

~~(E)iii) An aircraft.~~

(E)iv) Hyperloop technology.

(b) ADMINISTRATIVE COSTS.— The Secretary shall reserve \$425,000,000 of amounts made available under subsection (a) for administrative costs of providing loans as described in subsection (a).

(c) ELIMINATION OF LOAN PROGRAM CAP.— Section 136(d)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17013(d)(1)) is amended by striking "a total of not more than \$25,000,000,000 in".

[NOTE-- DELETED /t/III/stD/p5/s30453: ~~Sec. 30453. Domestic Manufacturing Conversion Grants~~]

[NOTE-- MOVED /t/III/stD/p5/s30454 to /t/III/stD/p4/s30444]

[NOTE-- MOVED /t/III/stD/p6/s30461 to /t/III/stD/p5/s30451]

Sec. 30434. Weatherization assistance program (a) In general~~43. Domestic Manufacturing Conversion Grants~~

~~(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$3,500,000,000, to remain available until September 30, 2031, to carry out activities under part A of title IV of the Energy Conservation and Production Act (42 U.S.C. 6861 through 6872). (b) Financial assistance for WAP enhancement and innovation.— Notwithstanding subsections (j) and (k) of section 414D of the Energy Conservation and Production Act (42 U.S.C. 6864d(j) and (k)), the Secretary shall use \$850,000,000 of the expended, for grants relating to domestic production of plug-in electric hybrid, plug-in electric drive, and hydrogen fuel cell electric vehicles, in accordance with section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).~~

~~(b) ADMINISTRATIVE COSTS.— The Secretary shall reserve 2 percent of amounts made available under subsection (a) of this section to award financial assistance under such section 414D, including financial assistance to implement measures to make dwelling units that are occupied by low-income persons weatherization-ready for administrative costs of making grants described in such subsection (ea) Average cost per dwelling unit.— Spursuant to section 415(e)712 of the Energy Conservation and Production Act (42 U.S.C. 6865(e)) is amended— (1) in paragraph (1), by striking "\$6,500" and inserting "\$12,000"; and (2) in paragraph (4), by striking "\$3,000" and inserting "\$6,000" Policy Act of 2005 (42 U.S.C. 16062).~~

Sec. 304544. Energy community reinvestment financing

Title XVII of the Energy Policy Act of 2005 is amended by inserting after section 1705 (42 U.S.C. 16516) the following:

"Sec. 1706. Energy community reinvestment financing 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, \$25,000,000,000, to remain available until ~~expended (except that no funds shall be disbursed after September 30, 2031)~~26, for the cost of providing financial support under section 1706 of the Energy Policy Act of 2005. (b) Amendment.— Title XVII of the Energy Policy Act of 2005 (42 U.S.C. 16511 et seq.) is amended by adding at the end the following: "Sec. 1706. Energy community reinvestment financing program this section."~~

(f)

"(a**b**) ESTABLISHMENT.— Notwithstanding section 1702(f) and section 1703, and not later than 180 days after the date of enactment of this section, the Secretary shall establish a program to provide financial support, in such form and on such terms and conditions as the Secretary determines appropriate, to eligible entities for the purpose of making or enabling low-carbon reinvestments in energy communities, which such reinvestments may include—

"(1) supporting workers who are or have been engaged in providing, or have been affected by the provision of, energy-intensive goods or services by helping such workers find employment opportunities, including by providing training and education;

"(2) redeveloping a community that is or was engaged in providing, or has been affected by the provision of, energy-intensive goods or services;

"(3) accelerating remediation of environmental damage caused by the provision of energy-intensive goods or services; and

"(4) mitigating the effects on customers of any significant reduction in the carbon intensity of goods or services provided by the eligible entity, including by the cost-effective abatement of greenhouse gas emissions from continuing operations and the repowering, retooling, repurposing, redeveloping, or remediating of any long-lived assets, lands, or infrastructure currently or previously used by the eligible entity primarily to support the provision of energy-intensive goods or services.

"(b**c**) APPLICATION REQUIREMENT.— To apply for financial support provided under this section, an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, which such application shall include—

"(1) a detailed plan describing the activities to be carried out in accordance with subsection (a**b**), including activities for the measurement, monitoring, and verification of emissions of greenhouse gases; and

"(2) if the eligible entity is a utility subject to regulation by a State commission or other State regulatory authority, assurances, as determined appropriate by the Secretary, that such eligible entity shall pass through any financial benefit from the provision of any financial support under this section to its customers or energy communities.

"(e**d**) OTHER REQUIREMENTS.—

"(1) FEES.— Notwithstanding section 1702(h)(1), the Secretary shall charge and collect a fee from each eligible entity that received financial support provided under this section in an amount the Secretary determines sufficient to cover applicable administrative expenses (including any costs associated with third party consultants engaged by the Secretary).

"(2) USE OF APPROPRIATED FUNDS.— Any cost for any financial support provided under this section shall be paid by the Secretary using appropriated funds.

~~"(3) Application of other law.— Section 20320(a) of division B of Public Law 109-289 (42 U.S.C. 16515(a)) shall not apply to this section.~~"(d**e**) DEFINITIONS.— In this section:

"(1) ~~COST; DIRECT LOAN.~~ ~~F.~~ ~~Notwithstanding section 1701,~~ the terms 'cost' and 'direct loan' have has the meanings given such terms in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

"(2) ELIGIBLE ENTITY.— The term 'eligible entity' means any entity that is directly affiliated with the provision of energy-intensive goods or services.

"(3) ENERGY COMMUNITY.— The term 'energy community' means a community whose members are or were engaged in providing, or have been affected by the provision of, energy-intensive goods and services.

"(4) FINANCIAL SUPPORT.— The term 'financial support' means any credit product or support the Secretary determines appropriate to implement this section, including—

"(A) ~~a direct loan;~~ "(B) a line of credit; and

"(G) a guarantee, including of a letter of credit for the purposes of subsection (a)(3)."
 "(5) ~~Guarantee.~~— The term 'guarantee' has the meaning given such term in section 1701."

Sec. 30308. Assistance for Disadvantaged Communities **445. Tribal Energy Loan Guarantee Program**

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$200,000,000, to remain available until expended, for grants ~~under section 1459A(b) of the Safe Drinking Water Act (42 U.S.C. 300j-19a(b))~~ September 30, 2028, to carry out section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)).

(b) INCLUSIONS IN TITLE XVII DEFINITION OF GUARANTEE.— Section 1701(4)(B) of the Energy Policy Act of 2005 (42 U.S.C. 16511(4)(B)) is amended by striking the period at the end and inserting "and, for purposes of minimizing financing costs, includes a guarantee by the Secretary of 100 percent of the unpaid principal and interest due on any obligation to the Federal Financing Bank."

(c) DEPARTMENT OF ENERGY TRIBAL ENERGY LOAN GUARANTEE PROGRAM.— Section 2602(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)) is amended—

(1) in paragraph (1), by striking "(as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for an amount equal to not more than 90 percent of" and inserting "(as defined in section 1701 of the Energy Policy Act of 2005 (42 U.S.C. 16511)) for"; and

(2) in paragraph (4), by striking "\$2,000,000,000" and inserting "\$20,000,000,000".

[NOTE-- DELETED /t/III/stC/s30309: ~~Sec. 30309. Grants for Contaminant Monitoring~~ (I)]

Sec. 304651. Transmission line and intertie grants and loans

(a) APPROPRIATION.—~~(1) IN GENERAL.~~— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~—\$8,000,000,000;~~ to remain available until September 30, 2034 ~~(except that no funds shall be disbursed~~, \$1,500,000,000 for purposes of providing grants under subsection (b) and for administrative expenses ~~after September 30, 2031), for purposes~~ associated with carrying out this section, and \$500,000,000 for the costs ~~of providing grants and direct loans under subsection (b), and for administrative expenses associated with carrying out this section;~~ Provided, That 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; Provided further, That none of such loan authority made available by this section shall be available for loans for any projects where funds, personnel, or property (tangible or intangible) of any Federal agency, instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procurements, sales, other transaction authority, or other arrangements to support the project or to obtain goods or services from the project: Provided further, That the previous proviso shall not be interpreted as precluding the use of the loan authority provided by this section for commitments to loans for: (1) projects benefitting from otherwise allowable Federal tax benefits; (2) projects benefitting from being located on Federal land pursuant to a lease or right-of-way agreement for which all consideration for all uses is: (A) paid exclusively in cash; (B) deposited in the Treasury as offsetting receipts; and (C) equal to the fair market value ~~as determined by the head of the relevant Federal agency;~~ (3) projects benefitting from the Federal insurance programs under section 170 of the Atomic Energy Act of 1954 (42 U.S.C. 2210); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that have been authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan authority made available by this section shall be available for any project unless the ~~Director of the Office of Management and Budget~~ President has certified in advance in writing that the loan and the project comply with the provisions under this section. ~~(2) Limit.— Not more than \$1,000,000,000 of the amount appropriated under paragraph (1) may be used to pay for the costs of providing direct loans under subsection (b).~~

(b) IN GENERAL.— Except as provided in subsection (c), the Secretary of Energy may provide grants and direct loans to eligible entities to construct new, or make upgrades to existing, eligible transmission lines or eligible interties, including the related facilities thereof, if the Secretary of Energy determines that such construction or upgrade would support—

- (1) a more robust and resilient electric grid; and
- (2) the integration of electricity from a clean energy facility into the electric grid.

(c) OTHER REQUIREMENTS.—

(1) INTEREST RATES.— The Secretary of Energy shall determine the rate of interest to charge on direct loans provided under subsection (b) by taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date the loan is disbursed.

~~(2) Terms and conditions.— In providing direct loans under subsection (b), the Secretary may require such terms and conditions the Secretary determines appropriate.~~

(3) RECOVERY OF COSTS FOR GRANTS.— A grant provided under this section may not be used to cover the portion of costs for the construction of new, or make for making upgrades to existing, eligible transmission lines or eligible interties, if the costs for such construction or upgrade including the related facilities thereof, that are approved for recovery through a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)), regional planning authority, governing or ratemaking body of an electric cooperative, State commission, or another similar body.

(3) NO DUPLICATE ASSISTANCE.— No eligible entity may receive both a grant and a direct loan for the same construction of, or upgrade to, an eligible transmission line or eligible intertie under this section.

(d) DEFINITIONS.— In this section:

(1) CLEAN ENERGY FACILITY.— The term "clean energy facility" means any electric generating unit that does not emit carbon dioxide.

(2) DIRECT LOAN.— The term "direct loan" means a disbursement of funds by the Government to a non-Federal borrower under a contract that requires the repayment of such funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defer payment for more than 90 days, including the sale of a government asset on credit terms.

(3) ELIGIBLE ENTITY.— The term "eligible entity" means a non-Federal entity.

(4) ELIGIBLE INTERTIE.— The term "eligible intertie" means—

(A) any interties across the seam between the Western Interconnection and the Eastern Interconnection;

(B) the Pacific Northwest-Pacific Southwest Intertie;

(C) any interties between the Electric Reliability Council of Texas and the Western Interconnection or the Eastern Interconnection; or

(D) such other interties that the Secretary determines contribute to—

(i) a more robust and resilient electric grid; and

(ii) the integration of electricity from a clean energy facility into the electric grid.

(5) ELIGIBLE TRANSMISSION LINE.— The term "eligible transmission line" means an electric power transmission line that—

(A) in the case of new construction under subsection (b), has a transmitting capacity of not less than 1,000 megawatts;

(B) in the case of an upgrade made under subsection (b), the upgrade to which will increase its transmitting capacity by not less than 500 megawatts; and

(C) is capable of transmitting electricity—

- (i) across any eligible intertie;
- (ii) from an offshore wind generating facility; or
- (iii) along a route, or in a corridor, determined by the Secretary of Energy to be necessary to meet interregional or national electricity transmission needs.

(6) STATE COMMISSION; TRANSMISSION ORGANIZATION.— The terms "State commission" and "Transmission Organization" have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

Sec. 304652. Grants to facilitate the siting of interstate electricity transmission lines

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$800,000,000, to remain available until September 30, 2031 ~~(provided no funds shall be disbursed after such date)~~²⁹, for making grants in accordance with this section and for administrative expenses associated with carrying out this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.— The Secretary may make a grant under this section to a siting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project, ~~including the environmental, reliability, wildlife, cultural, historical, water, land use, public health, employment, tax revenue, market, cost, and rate regulation impacts.~~

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be sited.

(C) Hosting and facilitation of negotiations in settlement meetings involving the siting authority, the covered transmission project applicant, and opponents of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(D) Participation by the siting authority in regulatory proceedings or negotiations in another jurisdiction, or under the auspices of a Transmission Organization (as defined in section 3 of the Federal Power Act (16 U.S.C. 796)) that is also considering the siting or permitting of the covered transmission project.

(/)

(E) Participation by the siting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(F) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the siting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.— The Secretary may make a grant under this section to a siting authority, or other State, local, or Tribal governmental entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any outlays after September 30, 2031.

(c) CONDITIONS.—

(1) FINAL DECISION ON APPLICATION.— In order to receive a grant for an activity described in subsection (b)(1), the Secretary shall require a siting authority to agree, in writing, to reach a final decision on the application relating to the siting or permitting of the applicable covered transmission project not later than 2 years after the date on which such grant is provided, unless the Secretary authorizes an extension for good cause.

(2) FEDERAL SHARE.— The Federal share of the cost of an activity described in subparagraph (D) or (E) of subsection (b)(1) shall not exceed 50 percent.

(3) ECONOMIC DEVELOPMENT.— The Secretary may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a siting authority upon approval by the siting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal governmental entity upon commencement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(d) RETURNING FUNDS.— If a siting authority that receives a grant for an activity described in subsection (b)(1) fails to use all grant funds within 2 years of receipt, the siting authority shall return to the Secretary any such unused funds.

(e) DEFINITIONS.— In this section:

(1) COVERED TRANSMISSION PROJECT.— The term "covered transmission project" means a high-voltage interstate or offshore electricity transmission line—

(A) that is proposed to be constructed and to operate at a minimum of 275 kilovolts of either alternating-current or direct-current electric energy by an entity; and

(B) for which such entity ⁽¹⁾ has applied, or informed a siting authority of such entity's intent to apply, for regulatory approval.

(2) SITING AUTHORITY.— The term "siting authority" means a State, local, or Tribal governmental entity with authority to make a final determination regarding the siting, permitting, or regulatory status of a covered transmission project that is proposed to be located in an area under the jurisdiction of the entity.

(3) STATE.— The term "State" means a State, the District of Columbia, or any territory or possession of the United States.

[NOTE-- MOVED /tll/stD/p6/s30463 to /tl/stF/s15003]

Sec. 340453. Funding to grow and diversify the doula workforce (a) In general Organized wholesale electricity market technical assistance grants

(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, \$50,000,000, to remain available until expended, ~~for grants to health professions schools, academic health centers, State or local governments, territories, Indian Tribes and Tribal organizations, Urban Indian~~ fiscal year 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 organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia of entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the doula workforce 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); and

(2) 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;

(b2) Use of funds.— Amounts made available by subsection (a) shall be used for the following activities: aligning the policies of an organized wholesale electricity market with relevant State policies; and

(3) evaluating the economic, operational, reliability, environmental, and other benefit: of organized wholesale electricity markets.

(4d) Establishing programs that provide educa APPLICATIONS.—

(1) IN GENERAL.— To apply for technical assistance or a grant provided under this section, and training to individuals seeking appropriate training or certification as doulas. (2) Expanding the capacity of existing programs described in paragraph (1); for the purpose of increasing the number of students enrolled in such programs; including by awarding scholarships for students. (3) Developing and implementing strategies to recruit and retain students from underserved communities, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity, including racial and ethnic minority groups, into programs described in paragraphs (1) and (2) 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 (1) shall certify how the State will use the grant in accordance with subsection (b).

(e) 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 a State, the District of Columbia, or any territory or possession of the United States.

Sec. 304654. Interregional and offshore wind electricity transmission planning, modeling, and analysis

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2031 ~~(except that no funds shall be disbursed after such date)~~, to carry out this section.

(b) USE OF FUNDS.— The Secretary of Energy shall use amounts made available under subsection (a) to—

(1) pay expenses associated with convening relevant stakeholders, including States, generation and transmission developers, regional transmission organizations, independent system operators, environmental organizations, ~~Indian Tribe~~electric utilities, and other stakeholders the Secretary determines appropriate, to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and

(2) ⁽¹⁾ conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking

into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental benefits of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—

(A) clean energy integration into the electric grid, including the identification of renewable energy zones;

(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;

(C) cost allocation methodologies that facilitate the expansion of the bulk power system;

(D) the benefits of coordination between generator interconnection processes and transmission planning processes;

(E) the effect of increased electrification on the electric grid;

(F) power flow modeling;

(G) the benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections, as applicable;

(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;

(I) the opportunities for use of nontransmission alternatives, energy storage, and grid-enhancing technologies;

(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; ~~and~~

(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and

(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

Sec. 304761. Department of Energy

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$200,125,000,000, to remain available until September 30, 2031 (except that no amounts may be disbursed after September 30, 2031), to provide for,~~ to provide for the development of more efficient, ~~and more effective~~ environmental reviews under the ~~National Environmental Policy Act of 1969~~ accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of ~~additional~~ personnel, ~~the development of programmatic assessments or template documents,~~ the procurement of technical or scientific services for reviews, the development of data or

technology information systems, stakeholder and community engagement,—and the purchase of new equipment: for analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

Sec. 30462. Federal Energy Regulatory Commission

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$75,000,000, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of data or information systems, stakeholder and community engagement, the purchase of new equipment for analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(b) FEES AND CHARGES.— Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

Sec. 30471. Advanced industrial facilities deployment program

(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$4,000,000,000, to remain available until September 30, 2026, to carry out this section.

(b) PROGRAM.— The Secretary shall use funds appropriated by subsection (a) to establish a program to provide financial assistance, on a competitive basis, to eligible entities to carry out projects for—

(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;

(2) retrofits, upgrades to, or operational improvements at an eligible facility to install or implement advanced industrial technology; or

(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraph (1) or (2).

(c) APPLICATION.— To be eligible to receive financial assistance under the program established under subsection (b), an eligible entity shall submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, including the expected greenhouse gas emissions reductions to be achieved by carrying out the project. (f)

(d) PRIORITY.— In providing financial assistance under the program established under subsection (b), the Secretary shall give priority consideration to projects on the basis of, as determined by the Secretary—

(1) the expected greenhouse gas emissions reductions to be achieved by carrying out the project;

(2) the extent to which the project would provide the greatest benefit for the greatest number of people within the area in which the eligible facility is located; and

(3) whether the eligible entity participates or would participate in a partnership with purchasers of the output of the eligible facility.

(e) COST SHARE.— The Federal share of the cost of a project carried out pursuant to this section shall not exceed 50 percent.

(f) ADMINISTRATIVE COSTS.— The Secretary shall reserve \$200,000,000 of amounts made available under subsection (a) for administrative costs of carrying out this section.

(g) DEFINITIONS.—

(1) ADVANCED INDUSTRIAL TECHNOLOGY.— The term "advanced industrial technology" means technology or processes designed to accelerate greenhouse gas emissions reduction progress to net-zero at an eligible facility, as determined by the Secretary, including—

(A) industrial energy efficiency technologies;

(B) equipment to electrify industrial processes;

(C) equipment to utilize low- or zero-carbon fuels, feedstocks, and energy sources;

(D) low- or zero-carbon process heat systems; and

(E) carbon capture, transport, utilization, and storage systems.

(2) ELIGIBLE ENTITY.— The term "eligible entity" means the owner or operator of an eligible facility.

(3) ELIGIBLE FACILITY.— The term "eligible facility" means a domestic, non-Federal, nonpower industrial or manufacturing facility engaged in energy-intensive industrial processes, including production processes for iron, steel, steel mill products, aluminum, cement, concrete, glass, pulp, paper, and industrial ceramics.

(4) FINANCIAL ASSISTANCE.— The term "financial assistance" means a grant, rebate, direct loan, or cooperative agreement.

(5) SECRETARY.— The term "Secretary" means the Secretary of Energy.

[NOTE-- DELETED /tIII/stD/p8/s30481: ~~Sec. 30481. Federal Energy Efficiency Fund~~]

[NOTE-- DELETED /tIII/stD/p8/s30482: ~~Sec. 30482. Energy efficiency and conservation block grants~~]

[NOTE-- DELETED /tIII/stD/p8/s30483: ~~Sec. 30483. Low-income solar~~]

[NOTE-- MOVED /tIII/stD/p8/s30484 to /tIII/stD/p8/s30481]

[NOTE-- MOVED /tIII/stF to /tIII/stE]

Sec. 304841. Oversight

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until September 30, 2031 ~~(except that no funds shall be disbursed after September 30, 2034)~~, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

Subtitle ~~FE~~— Affordable Health Care Coverage

Sec. 30601. Ensuring affordability of coverage for certain low-income populations

(a) REDUCING COST SHARING UNDER QUALIFIED HEALTH PLANS.— Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18071) is amended—

(1) in subsection (b)—

(A) in paragraph (2), by inserting "(or, with respect to plan years 2023, 2024, and 20245, whose household income does not exceed 400 percent of the poverty line for a family of the size involved)" before the period; and

(B) in the matter following paragraph (2), by adding at the end the following new sentence: "In the case of an individual ~~with~~ ho, at any point during 2022, has a household income that does not exceed 138 percent of the poverty line for a family of the size involved ~~for any month occurring during the period beginning on January 1, 2022, and ending on December 31, 2022, such individual shall, for such month and for each succeeding~~ , such individual shall, for each month during ~~such period~~ year, be treated as having household income equal to 100 percent for purposes of applying this section."; and

(2) in subsection (c)—

(A) in paragraph (1)(A), in the matter preceding clause (i), by inserting ", with respect to eligible insureds (other than, with respect to plan years 2023, 2024, and 20245, specified enrollees (as defined in paragraph (6)(C)))," after "first be achieved";

(B) in paragraph (2), in the matter preceding subparagraph (A), by inserting "with respect to eligible insureds (other than, with respect to plan years 2023, 2024, and 20245, specified enrollees)" after "under the plan";

(C) in paragraph (3)—

(i) in subparagraph (A), by striking "this subsection" and inserting "paragraph (1) or (2)"; and

(ii) in subparagraph (B), by striking "this section" and inserting "paragraphs (1) and (2)"; and

(D) by adding at the end the following new paragraph:

"(6) SPECIAL RULE FOR SPECIFIED ENROLLEES.—

"(A) IN GENERAL.— The Secretary shall establish procedures under which the issuer of a qualified health plan to which this section applies shall reduce cost-sharing under the plan with respect to months occurring during plan years 2023, 2024, and 2024⁵ for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan's share of the total allowed costs of benefits provided under the plan to 99 percent of such costs.

"(B) METHODS FOR REDUCING COST SHARING.—

"(i) IN GENERAL.— An issuer of a qualified health plan making reductions under this paragraph shall notify the Secretary of such reductions and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to 12 percent of the total allowed costs of benefits provided under each such plan to specified enrollees during plan years 2023, 2024, and 2024⁵.

"(ii) APPROPRIATION.— In addition to amounts otherwise available, there are appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i).

"(C) SPECIFIED ENROLLEE DEFINED.— For purposes of this section, the term 'specified enrollee' means, with respect to a ~~month occurring during a plan year~~, an eligible insured ~~with~~ no, at any point during such plan year, has a household income that does not exceed 138 percent of the poverty line for a family of the size involved ~~during such month~~. Such insured shall be deemed to be a specified enrollee for each ~~succeeding~~ month in such plan year."

(b) OPEN ENROLLMENTS APPLICABLE TO CERTAIN LOWER-INCOME POPULATIONS.— Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end "and";

(B) in subparagraph (D), by striking the period at the end and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(E) with respect to a qualified health plan with respect to which section 1402 applies, for months ⁽¹⁾ occurring during the period beginning on January 1, 2022, and ending on December 31, 2024⁵, enrollment periods described in

subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph."; and

(2) by adding at the end the following new paragraph:

"(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN LOW-INCOME POPULATIONS.—

"(A) IN GENERAL.— The enrollment period described in this paragraph is, in the case of an individual described in subparagraph (B), the continuous period beginning on the first day that such individual is so described.

"(B) INDIVIDUAL DESCRIBED.— For purposes of subparagraph (A), an individual described in this subparagraph is an individual—

"(i) with a household income that does not exceed 138 percent of the poverty line for a family of the size involved; and

"(ii) who is not eligible for minimum essential coverage (as defined in section 5000A(f) of the Internal Revenue Code of 1986), other than for coverage described in any of subparagraphs (B) through (E) of paragraph (1) of such section."

(c) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEARS 2024 AND 2025.— Section 1301(a) of the Patient Protection and Affordable Care Act (42 U.S.C. 18021(a)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (B), by striking "and" at the end;

(B) in subparagraph (C)(iv), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subparagraph:

"(D) provides, with respect to a plan offered in the silver level of coverage to which section 1402 applies during plan year 2024 and 2025, for benefits described in paragraph (5) in the case of an individual who, for a month during such plan year, has a household income that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402."; and

(2) by adding at the end the following new paragraph:

"(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2024 AND 2025.—

"(A) IN GENERAL.—

"(i) BENEFITS.— For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a qualified health plan are benefits consisting of—

"(I) non-emergency medical transportation services (as described in section 1902(a)(4)) and services described in subsection (a)(4)(C) of section 1905 of the Social Security Act, without any restriction on the choice of a qualified provider from whom such of the Social Security Act) for which Federal payments

would have been available under title XIX of the Social Security Act had such services been furnished to an individual so enrolled in such plan may receive such under a State plan (or waiver of such plan) under such title; and

"(I) services described in such subsection, and without any imposition of cost sharing, (a)(4)(C) of section 1905 of such Act for which Federal payments would have been so available;

which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

"(ii) CONDITION ON PROVISION OF BENEFITS.— Benefits described in this paragraph shall be provided—

"(I) without any restriction on the choice of a qualified provider from whom an individual may receive such benefits; and

"(II) without any imposition of cost sharing.

"(B) PAYMENTS FOR ADDITIONAL BENEFITS.—

"(i) IN GENERAL.— An issuer of a qualified health plan making payments for services described in subparagraph (A) furnished to individuals described in paragraph (1)(D) during plan year 2024 or 2025 shall notify the Secretary of such payments and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to payments for such services so furnished.

"(ii) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary to the Secretary to make payments under clause (i)."

(d) EDUCATION AND OUTREACH ACTIVITIES.— —

(1) IN GENERAL.— Section 1321(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended by adding at the end the following new paragraph:

"(3) OUTREACH AND EDUCATIONAL ACTIVITIES.—

"(A) IN GENERAL.— In the case of an Exchange established or operated by the Secretary within a State pursuant to this subsection, the Secretary shall carry out outreach and educational activities for purposes of informing individuals described in section 1902(a)(10)(A)(i)(VIII) of the Social Security Act who reside in States that have not expended amounts under a State plan (or waiver of such plan) under title XIX of such Act for all such individuals about qualified health plans offered through the Exchange, including by informing such individuals of the availability of coverage under such plans and financial assistance for coverage under such plans. Such outreach and educational activities shall be provided in a manner that is culturally and

linguistically appropriate to the needs of the populations being served by the Exchange (including hard-to-reach populations, such as racial and sexual minorities, limited English proficient populations, individuals residing in areas where the unemployment rates exceeds the national average unemployment rate, individuals in rural areas, veterans, and young adults).

"(B) LIMITATION ON USE OF FUNDS.— No funds appropriated under this paragraph shall be used for expenditures for promoting non-ACA compliant health insurance coverage.

"(C) NON-ACA COMPLIANT HEALTH INSURANCE COVERAGE.— For purposes of subparagraph (B):

"(i) The term 'non-ACA compliant health insurance coverage' means health insurance coverage, or a group health plan, that is not a qualified health plan.

"(ii) Such term includes the following:

"(I) An association health plan.

"(II) Short-term limited duration insurance.

"(D) FUNDING.— In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, to remain available until expended, \$105,000,000 for fiscal year 2022, ~~and \$30,000,000 for each of~~ to carry out this paragraph, of which—

"(i) \$15,000,000 shall be used to carry out this paragraph in fiscal years 2023~~2~~; and 2024, to carry out this paragraph.

"(ii) \$30,000,000 shall be used to carry out this paragraph for each of fiscal years 2023 through 2025."

(2) NAVIGATOR PROGRAM.— Section 1311(i)(6) of the Patient Protection and Affordable Care Act (42 U.S.C. 18031(i)(6)) is amended—

(A) by striking "Funding.—Grants under" and inserting Funding.—

"(A) STATE EXCHANGES.— Grants under"; and

(B) by adding at the end the following new subparagraph:

"(B) FEDERAL EXCHANGES.— For purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1321(c), the Secretary shall obligate not less than \$10,000,000 out of amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any successor regulations) for fiscal year 2022, and not less than \$20,000,000 for each of fiscal years 2023, ~~2024,~~ and ~~2024⁵.~~ Such amount so obligated for a fiscal year shall remain available until expended."

(3) FUNDING.— In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the

Treasury not otherwise appropriated, \$65,000,000, to remain available until expended, for purposes of carrying out the provisions of, and the amendments made by, this section, section 30602, and section 30603.

[NOTE-- MOVED /tIII/stF/s30602 to /tXIII/stF/p3/s137304]

Sec. 30603~~2~~. Establishing a health insurance affordability fund

(a) IN GENERAL.—

Subtitle D of title I of the Patient Protection and Affordable Care Act is amended by inserting after ~~part 5~~section 1343 (42 U.S.C. 18061 ~~et seq.~~3) the following new part:

"Part 6— Improve Health Insurance Affordability Fund

"Sec. 1351. Establishment of program

There is hereby established the 'Improve Health Insurance Affordability Fund' to be administered by the Secretary of Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the 'Administrator'), to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as a 'State') beginning on January 1, 2023, for the purposes described in section 1352.

"Sec. 1352. Use of funds

"(a) IN GENERAL.— A State shall use the funds allocated to the State under this part for one of the following purposes:

"(1) To provide reinsurance payments to health insurance issuers with respect to individuals enrolled under individual health insurance coverage (other than through a plan described in subsection (b)) offered by such issuers.

"(2) To provide assistance (other than through payments described in paragraph (1)) to reduce out-of-pocket costs, such as copayments, coinsurance, premiums, and deductibles, of individuals enrolled under qualified health plans offered on the individual market through an Exchange and of individuals enrolled under standard health plans offered through a basic health program established under section 1331.

"(b) EXCLUSION OF CERTAIN GRANDFATHERED PLANS, TRANSITIONAL PLANS, STUDENT HEALTH PLANS, AND EXCEPTED BENEFITS.— For purposes of subsection (a), a plan described in this subsection is the following:

"(1) A grandfathered health plan (as defined in section 1251).

"(2) A plan (commonly referred to as a 'transitional plan') continued under the letter issued by the Centers for Medicare & Medicaid Services on November 14, 2013, to the State Insurance Commissioners outlining a transitional policy for coverage in the individual and small group markets to which section 1251 does not apply, and under the extension of the transitional policy for such coverage set forth in the Insurance Standards Bulletin Series guidance issued by the Centers for Medicare & Medicaid Services on March 5, 2014, February 29, 2016, February 13, 2017, April 9,

2018, March 25, 2019, January 31, 2020, and January 19, 2021, or under any subsequent extensions thereof.

"(3) Student health insurance coverage (as defined in section 147.145 of title 45, Code of Federal Regulations, or any successor regulation).

"(4) Excepted benefits (as defined in section 2791(c) of the Public Health Service Act).

"Sec. 1353. State eligibility and approval; Default safeguard

"(a) ENCOURAGING STATE OPTIONS FOR ALLOCATIONS.—

"(1) IN GENERAL.— Subject to subsection (b), to be eligible for an allocation of funds under this part for a year (beginning with 2023), a State shall submit to the Administrator an application at such time (but, in the case of allocations for 2023, not later than 120 days after the date of the enactment of this part and, in the case of allocations for a subsequent year, not later than January 1 of the previous year) and in such form and manner as specified by the Administrator containing—

"(A) a description of how the funds will be used; and

"(B) such other information as the Administrator may require.

"(2) AUTOMATIC APPROVAL.— An application so submitted is approved (as outlined in the terms of the plan) unless the Administrator notifies the State submitting the application, not later than 90 days after the date of the submission of such application, that the application has been denied for not being in compliance with any requirement of this part and of the reason for such denial.

"(3) ~~5-~~SUBSEQUENT YEAR APPLICATION APPROVAL.— If an application of a State is approved for a purpose described in section 1352 for a year, such application shall be treated as approved for such purpose for each of ~~the subsequent 4 years~~ through 2025.

"(4) OVERSIGHT AUTHORITY AND AUTHORITY TO REVOKE APPROVAL.—

"(A) OVERSIGHT.— The Secretary may conduct periodic reviews of the use of funds provided to a State under this section, with respect to a purpose described in section 1352, to ensure the State uses such funds for such purpose and otherwise complies with the requirements of this section.

"(B) REVOCATION OF APPROVAL.— The approval of an application of a State, with respect to a purpose described in section 1352, may be revoked if the State fails to use funds provided to the State under this section for such purpose or otherwise fails to comply with the requirements of this section.

"(b) DEFAULT FEDERAL SAFEGUARD FOR 2023, 2024, AND 20245 FOR CERTAIN STATES.

"(1) IN GENERAL.— For 2023, 2024, and 20245, in the case of a State described in paragraph (5), with respect to such year, the State shall not be eligible to submit an application under subsection (a), and the Administrator, in consultation with the applicable State authority, shall from the amount calculated under paragraph (3) for

such year, carry out the purpose described in paragraph (2) in such State for such year.

"(2) SPECIFIED USE.— The amount described in paragraph (3), with respect to a State described in paragraph (5) for 2023, 2024, or 20245, shall be used to carry out the purpose described in section 1352(a)(1) in such State for such year, as applicable, by providing reinsurance payments to health insurance issuers with respect to attachment range claims (as defined in section 1354(b)(2), using the dollar amounts specified in subparagraph (B) of such section for such year) in an amount equal to, subject to paragraph (4), the percentage (specified for such year by the Secretary under such subparagraph) of the amount of such claims.

"(3) AMOUNT DESCRIBED.— The amount described in this paragraph, with respect to 2023, 2024, or 20245, is the amount equal to the total sum of amounts that the Secretary would otherwise estimate under section 1354(b)(2)(A)(i) for such year for each State described in paragraph (5) for such year, as applicable, if each such State were not so described for such year.

"(4) ADJUSTMENT.— For purposes of this subsection, the Secretary may apply a percentage under paragraph (3) with respect to a year that is less than the percentage otherwise specified in section 1354(b)(2)(B) for such year, if the cost of paying the total eligible attachment range claims for States described in paragraph (5) for such year at such percentage otherwise specified would exceed the amount calculated under paragraph (3) for such year.

"(5) STATE DESCRIBED.— A State described in this paragraph, with respect to years 2023, 2024, and 20245, is a State that, as of January 1 of 2022, 2023, or 20234, respectively, was not expending amounts under the State plan (or waiver of such plan) for all individuals described in section 1902(a)(10)(A)(i)(VIII) during such year.

"Sec. 1354. Allocations

"(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, \$10,000,000,000 for 2023 and each subsequent year through 2025 to provide allocations for States under subsection (b) and payments under section 1353(b)-.

"(b) ALLOCATIONS.—

"(1) PAYMENT.—

"(A) IN GENERAL.— From amounts appropriated under subsection (a) for a year, the Secretary shall, with respect to a State not described in section 1353(b) for such year and not later than the date specified under subparagraph (B) for such year, allocate for such State the amount determined for such State and year under paragraph (2).

"(B) SPECIFIED DATE.— For purposes of subparagraph (A), the date specified in this subparagraph is—

"(i) for 2023, the ⁽¹⁾date that is 90 days after the date of the enactment of this part; and

"(ii) for 2024 or ~~a subsequent year~~2025, January 1 of the previous year.

"(C) NOTIFICATIONS OF ALLOCATION AMOUNTS.— For 2024 and ~~each subsequent year~~2025, the Secretary shall notify each State of the amount determined for such State under paragraph (2) for such year by not later than January 1 of the previous year.

"(2) ALLOCATION AMOUNT DETERMINATIONS.—

"(A) IN GENERAL.— For purposes of paragraph (1), the amount determined under this paragraph for a year for a State described in paragraph (1)(A) for such year is the amount equal to—

"(i) the amount that the Secretary estimates would be expended under this part for such year on attachment range claims of individuals residing in such State if such State used such funds only for the purpose described in paragraph (1) of section 1352(a) at the dollar amounts and percentage specified under subparagraph (B) for such year; minus

"(ii) the amount, if any, by which the Secretary determines—

"(I) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year without application of this part; exceeds

"(II) the estimated amount of premium tax credits under section 36B of the Internal Revenue Code of 1986 that would be attributable to individuals residing in such State for such year if section 1353(b) applied for such year and applied with respect to such State for such year.

For purposes of the previous sentence and section 1353(b)(3), the term 'attachment range claims' means, with respect to an individual, the claims for such individual that exceed a dollar amount specified by the Secretary for a year, but do not exceed a ceiling dollar amount specified by the Secretary for such year, under subparagraph (B).

"(B) SPECIFICATIONS.— For purposes of subparagraph (A) and section 1353(b)(3), the Secretary shall determine the dollar amounts and the percentage to be specified under this subparagraph for a year in a manner to ensure that the total amount of expenditures under this part for such year is estimated to equal the total amount appropriated for such year under subsection (a) if such expenditures were used solely for the purpose described in paragraph (1) of section 1352(a) for attachment range claims at the dollar amounts and percentage so specified for such year.

"(3) AVAILABILITY.— Funds allocated to a State under this subsection for a year shall remain available through the end of the subsequent year."

(b) BASIC HEALTH PROGRAM FUNDING ADJUSTMENTS.— Section 1331 of the Patient Protection and Affordable Care Act (~~42~~ U.S.C. 18051) is amended—

(1) in subsection (a), by adding at the end the following new paragraph:

"(3) PROVISION OF INFORMATION ON QUALIFIED HEALTH PLAN PREMIUMS.—

"(A) IN GENERAL.— For plan years beginning on or after January 1, 2023, the program described in paragraph (1) shall provide that a State may not establish a basic health program unless such State furnishes to the Secretary, with respect to each qualified health plan offered in such State during a year that receives any reinsurance payment from funds made available under part 6 for such year, the adjusted premium amount (as defined in subparagraph (B)) for each such plan and year.

"(B) ADJUSTED PREMIUM AMOUNT DEFINED.— For purposes of subparagraph (A), the term 'adjusted premium amount' means, with respect to a qualified health plan and a year, the monthly premium for such plan and year that would have applied had such plan not received any payments described in subparagraph (A) for such year."; and

(2) in subsection (d)(3)(A)(ii), by adding at the end the following new sentence: "In making such determination, the Secretary shall calculate the value of such premium tax credits that would have been provided to such individuals enrolled through a basic health program established by a State during a year using the adjusted premium amounts (as defined in subsection (a)(3)(B)) for qualified health plans offered in such State during such year."

(c) IMPLEMENTATION AUTHORITY.— The Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by subregulatory guidance or otherwise.

[NOTE-- MOVED /tIII/stG to /tXIII/stE]

Sec. 30603. Funding for the provision of health insurance consumer information

Section 2793(e) of the Public Health Service Act (42 U.S.C. 300gg–93(e)) is amended by adding at the end the following new paragraph:

"(3) FUNDING FOR 2022 THROUGH 2025.— In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, \$100,000,000 for 2022, to remain available until expended, of which \$25,000,000 shall be used for each of 2022 through 2025 to carry out this section."

Sec. 30605. Cost-sharing reductions for individuals receiving unemployment compensation

Section 1402(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(f)) is amended—

(1) in the header, by striking "2021" and inserting "certain years";

(i) in the matter preceding ⁽¹⁾ paragraph (1), by striking "2021" and inserting "any of years 2021 through 2025"; and

(3) in paragraph (2), by striking "133 percent" and inserting "150 percent".

Subtitle F— Medicaid

Part 1— Investments in Home and Community-Based Services

Part 2— Other Medicaid

Part 3— Territories

Part 4— Maintenance of Effort; Other Matters

[NOTE-- DELETED /tlll/stG/p1/s30701: See. 30701. Closing the Medicaid coverage gap]

[NOTE-- MOVED /tlll/stG/p2/s30711 to /tlll/stF/p1/s30711]

Sec. 30711. Definitions In this part: HCBS improvement planning grants

(a) FUNDING.—

(1) IN GENERAL.— 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, \$130,000,000, to remain available until expended, for carrying out this section.

~~(42) Appropriate committees of congress.— The term "appropriate committees of Congress" means the Committee on Energy and Commerce of the House of Representatives, the Committee on Finance of the Senate, the Committee on Health, Education, Labor and Pensions of the Senate, and the Special Committee on Aging of the Sen~~

TECHNICAL ASSISTANCE AND GUIDANCE.— 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, \$5,000,000, for purposes of issuing guidance and providing technical assistance to States intending to apply for, or which are awarded, a planning grant under this section, and for other administrative expenses related to awarding planning grants under this section.

(b) AWARD AND USE OF GRANTS.—

(1) DEADLINE FOR AWARD OF GRANTS.— From the amount appropriated under subsection (a)(1), the Secretary, not later than 12 months after the date of enactment of this Act, shall solicit State requests for HCBS improvement planning grants and award such grants to all States that meet such requirements as determined by the Secretary.

(2) USE OF FUNDS.— Subject to paragraph (3), a State awarded a planning grant under this section shall use the grant to carry out planning activities for purposes of developing and submitting to the Secretary an HCBS improvement plan for the State

that meets the requirements of subsections (c) and (d). A State may use planning grant funds to support activities related to the implementation of the HCBS improvement plan for the State, collect and report information described in subsection (c), identify areas for improvement to the service delivery systems for home and community-based services, carry out activities related to evaluating payment rates for home and community-based services and identifying improvements to update the rate setting process, and make related infrastructure investments (such as case management or other information technology systems).

(3) LIMITATION ON USE OF FUNDS.— None of the funds awarded to a State under this section may be used by a State as the source of the non-Federal share of expenditures under the State plan (or waiver of such plan).

(c) HCBS IMPROVEMENT PLAN REQUIREMENTS.— In order to meet the requirements of this subsection, an HCBS improvement plan developed using funds awarded to a State under this section shall include, with respect to the State and subject to subsection (d), the following:

(1) EXISTING MEDICAID HCBS LANDSCAPE.—

(A) ELIGIBILITY AND BENEFITS.— A description of the existing standards, pathways, and methodologies for eligibility for home and community-based services pursuant to the State plan (or waiver of such plan), including limits on assets and income, the home and community-based services available under the State Medicaid program and the types of settings in which they may be provided, and utilization management standards for such services.

(B) ACCESS.—

(i) BARRIERS.— A description of the barriers to accessing home and community-based services in the State identified by Medicaid eligible individuals, the families of such individuals, and direct care workers and home care agencies, or other similar organizations.

(ii) AVAILABILITY; UNMET NEED.— A summary, in accordance with guidance issued by the Secretary and as able to be practicably determined by the State, of the extent to which home and community-based services are available to all individuals in the State who would be eligible for such services under the State Medicaid program (including individuals who are on a waiting list for such services).

(C) UTILIZATION.— An assessment of the utilization of home and community-based services in the State (including the number of individuals receiving such services) during such period specified by the Secretary.

(D) SERVICE DELIVERY STRUCTURES AND SUPPORTS.— A description of the service delivery structures for providing home and community-based services in the State.

(2E) Direct care worker.— The term "direct care worker" means, with respect to a State, any of the following individuals who by contract, by receipt of payment for care, or as a result of the operation of law, provides directly to WORKFORCE—

A description of the direct care workforce, including estimates of the number of full- and part-time direct care workers, the average and range of direct care worker wages, the benefits provided to direct care workers, and the turnover and vacancy rates of direct care worker positions.

(F) PAYMENT RATES.—

(i) IN GENERAL.— A description of the payment rates for home and community-based services, including, to the extent applicable, how payments for such services are factored into the development of managed care capitation rates, when the State last updated payment rates for home and community-based services, and an estimate of the portion of the payment rate that goes toward direct care worker compensation.

(ii) ASSESSMENT.— An assessment of the relationship between payment rates for such services and workforce shortages, average beneficiary wait times for such services, and provider-to-beneficiary ratios in the geographic region.

(G) QUALITY.— A description of how the quality of home and community-based services is measured and monitored.

(H) LONG-TERM SERVICES AND SUPPORTS PROVIDED IN INSTITUTIONAL SETTINGS.— A description of the number of individuals enrolled in the State Medicaid program in a year who receive items and services furnished by an institution for greater than 30 days in an institutional setting.

(I) HCBS SHARE OF OVERALL MEDICAID LTSS SPENDING.— For the most recent State fiscal year for which complete data is available, the percentage of expenditures made by the State under the State Medicaid program for long-term services and supports that are for home and community-based services.

(J) DEMOGRAPHIC DATA.— To the extent available and as applicable with respect to the information required under subparagraphs (B), (C), and (H), demographic data for such information, disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting.

(2) GOALS FOR HCBS IMPROVEMENTS.— A description of how the State will do the following:

(A) Conduct the activities required under subsection (jj) of section 1905 of the Social Security Act (as added under section 30712).

(B) Reduce barriers to and disparities in access or utilization of home and community-based services in the State.

(C) Monitor and report on access to home and community-based services under the State Medicaid program, disparities in access to such services, and the utilization of such services.

(D) Monitor and report the amount of State Medicaid expenditures for home and community-based services under the State Medicaid program as a proportion

of the total amount of State expenditures under the State Medicaid program for long-term services and supports.

(E) Monitor and report on wages, benefits, and vacancy and turnover rates for direct care workers.

(F) Assess and monitor the sufficiency of payment rates under the State Medicaid program, in a manner specified by the Secretary, for the specific types of home and community-based services available under such program for purposes of supporting direct care worker recruitment and retention and ensuring the availability of home and community-based services.

(G) Coordinate implementation of the HCBS improvement plan among the State Medicaid agency, agencies serving individuals with disabilities, and agencies serving the elderly.

(d) DEVELOPMENT AND APPROVAL REQUIREMENTS.—

(1) DEVELOPMENT REQUIREMENTS.— In order to meet the requirements of this subsection, a State awarded a planning grant under this section shall develop an HCBS improvement plan for the State through a public notice and comment process that includes consultation with Medicaid eligible individuals who are recipients of home and community-based services available under the State Medicaid program, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates.

(2) AUTHORITY TO ADJUST CERTAIN PLAN CONTENT REQUIREMENTS.— The Secretary may modify the requirements for any of the information specified in subsection (c)(1) if a State requests a modification and demonstrates to the satisfaction of the Secretary that it is impracticable for the State to collect and submit the information.

(A3) SUBMISSION AND APPROVAL.— Not later than 24 months after the date on which a State is awarded a planning grant under this section, the State shall submit an HCBS improvement plan for approval by the Secretary, along with assurances by the State that the State will implement the plan in accordance with the requirements of the HCBS Improvement Program established under subsection (jj) of section 1905 of the Social Security Act (42 U.S.C. 1396d) (as added by section 30712). The Secretary shall approve and make publicly available the HCBS improvement plan for a State after the plan and such assurances are submitted to the Secretary for approval and the Secretary determines the plan meets the requirements of subsection (c). A State may amend its HCBS improvement plan, subject to the approval of the Secretary that the plan as so amended meets the requirements of subsection (c). The Secretary may withhold or recoup funds provided under this section to a State, if the State fails to comply with the requirements of this section.

(e) DEFINITIONS.— In the part:

(1) DIRECT CARE WORKER.— The term "direct care worker" means, with respect to a State, any of the following individuals who are paid to provide directly to Medicaid

eligible individuals home and community-based services available under the State Medicaid program:

~~(A)~~ A registered nurse, licensed practical nurse, nurse practitioner, or clinical nurse specialist ~~who provides licensed nursing services~~, or a licensed nursing assistant who provides such services under the supervision of a registered nurse, licensed practical nurse, nurse practitioner, or clinical nurse specialist.

(B) A direct support professional.

(C) A personal care attendant.

(D) A home health aide.

(E) Any other paid health care professional or worker determined to be appropriate by the State and approved by the Secretary.

~~(32)~~ HCBS PROGRAM IMPROVEMENT STATE.— The term "HCBS program improvement State" means a State that is awarded a planning grant under subsection 4044(a)(b) and has an HCBS improvement plan approved by the Secretary under subsection 4044(d)(d)(3).

~~(43)~~ HEALTH PLAN.— The term "health plan" means any of the following entities that provide or arrange for home and community-based services for Medicaid eligible individuals who are enrolled with the entities under a contract with a State:

(A) A medicaid managed care organization, as defined in section 1903(m)(1) (A) of the Social Security Act (42 U.S.C. 1396b(m)(1)(A)).

(B) A prepaid inpatient health plan or prepaid ambulatory health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation)).

~~(C) Any other entity determined to be appropriate by the State and approved by the Secretary.~~ ~~(54)~~ HOME AND COMMUNITY-BASED SERVICES.— The term "home and community-based services" means any of the following (whether provided on a fee-for-service, risk, or other basis):

(A) Home health care services authorized under paragraph (7) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)).

(B) Private duty nursing services authorized under paragraph (8) of such section, when such services are provided in a Medicaid eligible individual's home.

(C) Personal care services authorized under paragraph (24) of such section.

(D) PACE services authorized under paragraph (26) of such section.

(E) Home and community-based services authorized under subsections (b), (c), (i), (j), and (k) of section 1915 of such Act (42 U.S.C. 1396n), authorized under a waiver under section 1115 of such Act (42 U.S.C. 1315), or provided through coverage authorized under section 1937 of such Act (42 U.S.C. 1396u-7).

(F) Case management ~~services~~ authorized under section 1905(a)(19) of the Social Security Act (42 U.S.C. 1396d(a)(19)) and section 1915(g) of such Act (42 U.S.C. 1396n(g)).

(G) Rehabilitative services, including those related to behavioral health, described in section 1905(a)(13) of such Act (42 U.S.C. 1396d(a)(13)).

~~(H) Self-directed personal assistance services authorized under section 1915(j) of the Social Security Act (42 U.S.C. 1396n(j)). (I) School-based services when the school is the location for provision of services if the services are— (i) authorized under section 1905(a) of such Act (42 U.S.C. 1396d(a)) (or under a waiver under section 1915(e) or demonstration under section 1115) ; and (ii) described in another subparagraph of this paragraph. (J) Such other services specified by the Secretary.~~

(65) INSTITUTIONAL SETTING.— The term "institutional setting" means—

(A) a skilled nursing facility (as defined in section 1819(a) of the Social Security Act (42 U.S.C. 1395i-3(a)));

(B) a nursing facility (as defined in section 1919(a) of such Act (42 U.S.C. 1396r(a)));

(C) a long-term care hospital (as described in section 1886(d)(1)(B)(iv) of such Act (42 U.S.C. 1395ww(d)(1)(B)(iv)));

(D) a facility ~~(or distinct part thereof)~~ described in section 1905(d) of such Act (42 U.S.C. 1396d(d));

(E) an institution ~~(or distinct part thereof)~~ which is a psychiatric hospital (as defined in section 1861(f) of such Act (42 U.S.C. 1395x(f))) or that provides inpatient psychiatric services in a residential setting specified by the Secretary; and

(F) an institution ~~(or distinct part thereof)~~ described in section 1905(i) of such Act (42 U.S.C. 1396d(i)); ~~and (G) any other relevant facility, as determined by the Secretary.~~

~~(76) MEDICAID ELIGIBLE INDIVIDUAL.— The term "Medicaid eligible individual" means an individual who is eligible for and receiving medical assistance under a State Medicaid plan or a waiver of such plan. Such term includes an individual who is on a waiting list and who would become eligible for medical assistance and enrolled under a State Medicaid plan, or waiver of such plan, upon removal ~~fr~~ceipt of home ~~a waiting list~~ and community-based services.~~

~~(87) STATE MEDICAID PROGRAM.— The term "State Medicaid program" means, with respect to a State, the State program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq. through 1396w-6) (including any waiver or demonstration under such title or under section 1115 of such Act (42 U.S.C. 1315) relating to such title).~~

~~(98) SECRETARY.— The term "Secretary" means the Secretary of Health and Human Services.~~

~~(409) STATE.— The term "State" means each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa.~~ (I)

[NOTE-- MOVED /tlll/stG/p2/s30713 to /tlll/stF/p1/s30712]

Sec. 30713~~2~~. HCBS Improvement Program

(a) INCREASED FMAP FOR HCBS PROGRAM IMPROVEMENT STATES.— Section 1905 of the Social Security Act (42 U.S.C. 1396d) is amended—

(1) in subsection (b), by striking "and (ii)" and inserting "(ii), and (jj)"; and

(2) by adding at the end the following new subsection:

"(jj) ADDITIONAL SUPPORT FOR HCBS PROGRAM IMPROVEMENT STATES.—

"(1) IN GENERAL.—

"(A) ADDITIONAL SUPPORT.— Subject to paragraph (5), in the case of a State that is an HCBS program improvement State, for each fiscal quarter that begins on or after the first date on which the State is an HCBS program improvement State—

"(i) and for which the State meets the requirements described in paragraphs (2) and (4), notwithstanding subsection (b) or (ff), subject to subparagraph (B), with respect to amounts expended during the quarter by such State for medical assistance for home and community-based services, the Federal medical assistance percentage for such State and quarter (as determined for the State under subsection (b) and, if applicable, increased under subsection (y), (z), (aa), or (ii), ~~or section 6008(a) of the Families First Coronavirus Response Act~~ ~~shall be increased by 7 percentage points, or section 1915(k)(2) shall be increased by 6 percentage points in addition to any percentage point increases pursuant to either such subsection (y), (z), (aa), or (ii), such section 6008(a), or such section 1915(k)(2);~~ and

"(ii) with respect to the State meeting the requirements described in paragraphs (2) and (4), notwithstanding sections ~~1903(a)(7), 1903(a)(3) (F), and 1903(a)(3)~~, with respect to amounts expended during the quarter and before October 1, 2031, for administrative costs for expanding and enhancing home and community-based services, including for enhancing Medicaid data and technology infrastructure, modifying rate setting processes, adopting or improving training programs for direct care workers and family caregivers, home and community-based services ombudsman office activities, developing processes to identify direct care workers and assign such workers unique identifiers, and adopting, carrying out, or enhancing programs that register direct care workers or connect beneficiaries to direct care workers, the per centum specified in such sections 1903(a)(7) and 1903(a)(3) shall be increased to 80 percent.

In no case may the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the

application of clause (ii) result in a reduction to the per centum otherwise specified without application of such clause. Any increase pursuant to clause (ii) shall be available to a State before the State meets the requirements of paragraphs (2) and (4).

"(B) ADDITIONAL HCBS IMPROVEMENT EFFORTS.— Subject to paragraph (5), in addition to the increase to the Federal medical assistance percentage under subparagraph (A)(i) for amounts expended during a quarter for medical assistance for home and community-based services by an HCBS program improvement State that meets the requirements of paragraphs (2) and (4) for the quarter, the Federal medical assistance percentage for amounts expended by the State during the quarter for medical assistance for home and community-based services shall be further increased by 2 percentage points (but not to exceed 95 percent) during the first ~~86~~ fiscal quarters throughout which the State has implemented and has in effect a program ~~to support self-directed care~~ that meets the requirements of paragraph (3).

"(C) NONAPPLICATION OF TERRITORIAL FUNDING CAPS.— Any payment made to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, or American Samoa for expenditures that are subject to an increase in the Federal medical assistance percentage under subparagraph (A)(i) or (B), or an increase in an applicable Federal matching percentage under subparagraph (A)(ii), shall not be taken into account for purposes of applying payment limits under subsections (f) and (g) of section 1108.

"(D) NONAPPLICATION TO CHIP EFMAP.— Any increase described in subparagraph (A) (or payment made for expenditures on medical assistance that are subject to such increase) shall not be taken into account in calculating the enhanced FMAP of a State under section 2105.

"(2) REQUIREMENTS.— ~~A~~ Subject to the last sentence of paragraph (1)(A), as conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

"(A) NONSUPPLANTATION.— The State uses the Federal funds attributable to the increase in the Federal medical assistance percentage for amounts expended during a quarter for medical assistance for home and community-based services under ~~subparagraphs (1)(A) and, if applicable, (B) of paragraph (1) (B) (if applicable)~~ to supplement, and not supplant, the level of State funds expended for home and community-based services for eligible individuals through programs in effect as of the date the State is awarded a planning grant under section 307121 of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'. In applying this subparagraph, the Secretary shall provide that a State shall have a 3-year period, as specified by the Secretary, to spend any accumulated unspent State funds attributable to the increase described in clause (i) in the Federal medical assistance percentage.

"(B) MAINTENANCE OF EFFORT.—

"(i) IN GENERAL.— The State does not—

"(I) reduce the amount, duration, or scope of home and community-based services available under the State plan ~~(or waiver of such plan)~~ relative to the home and community-based services available under the plan or a waiver of such plan as of the date on which the State was awarded a planning grant under section 30712~~1~~ of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14';

"(II) reduce payment rates for home and community-based services lower than such rates that were in place as of the date described in subclause (I), including, to the extent applicable, assumed payment rates for such services that are included in managed care capitation rates as such rates are being prospectively built; or

"(III) except to the extent permitted under clause (ii), adopt more restrictive standards, methodologies, or procedures for determining eligibility, ~~benefits, or services for receipt for or the scope of medical assistance~~ of home and community-based services, including with respect to cost-sharing, than the standards, methodologies, or procedures applicable as of ~~such~~the date.—"(ii) Flexibility to support innovative models described in subclause (I).

"(ii) CONDITIONS FOR FLEXIBILITY.— A State may make modifications that would otherwise violate the maintenance of effort described in clause (i) if the State demonstrates to the satisfaction of the Secretary that such modifications shall not result in—

"(I) home and community-based services that are less comprehensive or lower in amount, duration, or scope;

"(II) fewer individuals (overall and within particular eligibility groups ~~and categories~~) receiving home and community-based services; or "(III) increased cost-sharing, the calculation of which may be adjusted for demographic changes since the date described in clause (i)(I); or

"(III) increased cost-sharing (other than resulting from the rate of inflation) for home and community-based services.

"(C) ACCESS TO SERVICES.— Not later than an implementation date as specified by the Secretary (which may vary for each of the following clauses) after the first day of the first fiscal quarter for which a State receives an increase to the Federal medical assistance percentage or other applicable Federal matching percentage under paragraph (1), the State does all of the following to improve access to services:

"(i) Reduce access barriers and disparities in access or utilization of home and community-based services, as described in the State HCBS improvement plan.

"(ii) Provides coverage of personal care services authorized under subsection (a)(24) for all individuals eligible for and enrolled in medical assistance in the State.

"(iii) Provides for navigation of home and community-based services through 'no wrong door' programs, provides expedited eligibility for home and community-based services, and improves home and community-based services counseling and education programs.

"(iv) Expands access to behavioral health services ~~as defined in the State's HCBS improvement plan~~ furnished in home and community-based settings.

"(v) Improves coordination of home and community-based services with employment, housing, and transportation supports.

~~"(vi) Provides supports to family caregivers, such as respite care, caregiver assessments, peer supports, or paid family caregiving. "(vii) Adopts, expands eligibility for, or expands covered items and services provided under,~~

"(vii) Newly provides coverage under, or expands existing eligibility criteria for, 1 or more of the eligibility categories authorized under subclause (XIII), (XV), or (XVI) of section 1902(a)(10)(A)(ii).

~~"(D) Strengthened and expanded w~~WORKFORCE.—

"(i) IN GENERAL.— The State strengthens and expands the direct care workforce that provides home and community-based services by—

"(I) adopting processes to ensure that payment rates for home and community-based services are sufficient (as defined by the Secretary) to ensure that care and services are available to the extent described in the State HCBS improvement plan; and

"(II) updating qualification standards (as appropriate), and developing and adopting training opportunities; ~~for the continuum of providers of home and community-based services, including programs for independent providers of such services and agency direct care workers, as well as unique programs and resources for family caregivers~~ direct care workers and family caregivers, at such time as the Secretary shall prescribe.

"(ii) PAYMENT RATES.— In carrying out clause (i)(I), the State shall—

"(I) update and ~~increase~~, as appropriate, increase payment rates for ~~delivery of~~ home and community-based services to support ~~the recruitment~~ and retention of the direct care workforce; ~~"(II) review and, if necessary to ensure sufficient access to care,~~

~~increase payment rates for home and community-based services, not less frequently than once by not later than 2 years after approval of the HCBS improvement plan and, at least every 3 years, through a transparent process involving meaningful input from stakeholders, including recipients of home and community-based services, family caregivers of such recipients, providers, health plans, ~~diereafter, using, through existing or other processes to determine provider payment, a transparent~~ care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocate process involving meaningful input from nongovernmental stakeholders; and~~

"(III) ensure that increases in the payment rates for home and community-based services—

"(aa) at a minimum, results in a proportionate increase to payments for direct care workers and in a manner that is determined with input from the stakeholders described in subclause (II); and

"(bb) are incorporated into provider payment rates for home and community-based services provided under this title by a ~~managed care entity (as defined in section 1932(a)(1)(B)) a prepaid inpatient health plan or prepaid ambulatory health plan, as defined in section 438.2 of title 42, Code of Federal Regulations (or any successor regulation))~~ health plan, under a contract and paid through capitation rates with the State.

"(3) SELF-DIRECTED MODELS FOR THE DELIVERY OF SERVICES.— As conditions for receipt of the increase under paragraph (1)(B) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall establish directly, or by contract with 1 or more ~~non-profit~~ entities, including an agency with choice or a similar service delivery model, a program for the performance of all of the following functions to facilitate beneficiary use of self-directed care in the case the State covers home and community-based services under authorities that permit self-direction:

"(A) Registering qualified direct care workers and assisting beneficiaries in finding direct care workers.

"(B) Undertaking activities to recruit and train independent providers to enable beneficiaries to direct their own care, including by providing or coordinating training for beneficiaries on self-directed care.

"(C) Ensuring the safety of, and supporting the quality of, care provided to beneficiaries, ~~such as by conducting background checks and addressing complaints reported by recipients of home and community-based services consistent with Fair Hearing requirements and prior notice of service~~

~~reductions, including under subpart F of part 438 of title 42, Code of Federal Regulations and section 438.71(d) of such title.~~

"(D) Facilitating coordination between State and local agencies and direct care workers for matters of public health, training opportunities, changes in program requirements, workplace health and safety, or related matters.

"(E) Supporting beneficiary hiring, if selected by the beneficiary, of independent providers of home and community-based services, including by processing applicable tax information, collecting and processing timesheets, submitting claims and processing payments to such providers.

~~"(F) To the extent a State permits beneficiaries to hire a family member or individual with whom they have an existing relationship to provide home and community-based services, providing support to beneficiaries who wish to hire a caregiver who is a family member or individual with whom they have an existing relationship, such as by facilitating enrollment of such family member or individual as a provider of home and community-based services under the State plan or a waiver of such plan. "(G) Ensuring that such programs do not discriminate against labor organizations or~~

"(G) Ensuring that the program under this paragraph does not promote or prevent the ability of workers to form a labor organization or discriminate against workers who may join or decline to join a labor such an organization.

"(4) REPORTING AND OVERSIGHT.— As conditions for receipt of the increase under paragraph (1) to the Federal medical assistance percentage determined for a State, with respect to a fiscal year quarter, the State shall meet each of the following requirements:

"(A) The State designates (by a date specified by the Secretary) an HCBS ombudsman (or a long-term care ombudsman program office) that—

"(i) operates independently from the State Medicaid agency and managed care entities;

"(ii) provides direct assistance to recipients of home and community-based services available under the State Medicaid program and their families; and

"(iii) identifies and reports systemic problems to State officials, the public, and the Secretary.

"(B) Beginning with the last day of the 5th fiscal quarter for which the State is an HCBS program improvement State, and annually thereafter, the State reports to the Secretary ~~on the state (as of the last quarter before the report) of the components of the home and community-based services landscape described in the State HCBS improvement plan, including with respect to—~~ "(i) the ⁽⁷⁾availability and utilization of home and community-based services, disaggregated ~~(to the extent available and as applicable) by age groups, primary disability, income brackets, gender, race, ethnicity,~~

~~geography, primary language, and type of service setting; "(ii) wages, benefits, turnover and vacancy rates for the direct care workforce; "(iii) changes in payment rates for home and community-based services; "(iv) implementation of the activities to strengthen and expand access to home and community-based services and the direct care workforce that provides such services in accordance with the requirements of, in a manner the Secretary shall prescribe, on the progress of implementation of the activities described in subparagraphs (C) and (D) of paragraph (2); "~~v, paragraph (3) (if applicable), implementation of the activities described in paragraph (3); "(vi) State expenditures for home and community-based services under the State plan or a waiver of such plan as a proportion of the total amount of State expenditures under the plan or waiver of such plan for long-term~~the use of enhanced Federal funding provided under this subsection, and progress with respect to services and supports; and "(vii) the challenges in, and best ~~prae~~availability, utilization, disparities for, expanding access to home and community-based services, reducing disparities, and supporting and expandingand use of services, spending on HCBS, and the status of the direct care workforce.~~

"(5) BENCHMARKS FOR DEMONSTRATING IMPROVEMENTS.— An HCBS program improvement State shall cease to be eligible for an increase in the Federal medical assistance percentage under paragraph (1)(A)(i) or (1)(B) or an increase in an applicable Federal matching percentage under paragraph (1)(A)(ii) ~~at any time or beginning with the 29th fiscal quarter that begins on or after the first date on which a State is an HCBS program improvement State if the State is found to be out of compliance with paragraph (2)(B) or any other requirements of this subsection and, beginning with such 29th fiscal quarter, unless, not later than 90 days before the first day of such fiscal quarter, the State submits to the Secretary a report demonstrating the following improvements~~ unless, at the end of the 29th fiscal quarter, the State demonstrates the following in the annual report required in paragraph (4) for such quarter:

"(A) Increased availability (above a marginal increase) of home and community-based services in the State relative to such availability as reported in the State HCBS improvement plan and adjusted for demographic changes in the State since the submission of such plan.

"(B) ~~Reduced disparities in the utilization and availability of home and community-based services relative to the availability and utilization of such services by such populations as reported in such plan according to age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting (to the extent available and applicable), and adjusted for demographic changes in the State since the submission of such plan.~~ "(C) Evidence that rates are sufficient to ensure access to items ~~and~~ services for individuals eligible for HCBS in such State. "(D) With respect to the percentage of expenditures made by the State

for long-term services and supports that are for home and community-based services, in the case of an HCBS program improvement State for which such percentage (as reported in the State HCBS improvement plan) was—

"(i) less than 50 percent, the State demonstrates that the percentage of such expenditures has increased to at least 50 percent since the plan was approved; and

"(ii) at least 50 percent, the State demonstrates that such percentage has not decreased since the plan was approved.

"(6) DEFINITIONS.— In this subsection, the terms 'State Medicaid plan', 'direct care worker', 'HCBS program improvement State', 'health plan'; and 'home and community-based services' have the meaning given those terms in section 30711(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'."

[NOTE-- DELETED /tIII/stG/p2/s30714: ~~Sec. 30714. Funding for technical assistance and other administrative requirements related to Medicaid HCBS~~]

[NOTE-- MOVED /tIII/stG/p2/s30715 to /tIII/stF/p1/s30714]

[NOTE-- MOVED /tIII/stG/p3/s30721 to /tIII/stF/p1/s30715]

[NOTE-- MOVED /tIII/stG/p3/s30722 to /tIII/stF/p1/s30716]

[NOTE-- MOVED /tIII/stG/p3/s30723 to /tIII/stF/p2/s30721]

~~Sec. 34050713. Funding for the National Institute of Child Health and Human Development~~Federal activities related to Medicaid HCBS

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, \$15,000,000, to remain available until expended, ~~for~~to carrying out section 304 of the Public Health Service Act (42 U.S.C. 241) and title IV of the Public Health Service Act (42 U.S.C. 281 et seq.) with respect to child health and human development, to conduct or support research for interventions to mitigate the effects of the COVID-19 public health emergency on pregnant, lactating, and postpartum individuals, with a particular focus on individuals from racial712 (including the amendments made by such section), including by issuing necessary guidance and technical assistance to States, conducting program integrity and oversight efforts, and preparing and submitting to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, beginning 5 years after the date of the enactment of this Act and every three years thereafter, a report describing the progress of the HCBS planning and improvement activities undertaken by States as applicable and as described in sections 30711 and 30712 (including the amendments made by such sections), and describing the impact of s.ici activities on access to care,(including with respect to disparities in access and utilization,, and ethnic minority groups direct care workforce.

Sec. 307154. Funding for HCBS quality measurement and improvement

(a) IN-GENERAL-INCREASED FEDERAL MATCHING RATE FOR ADOPTION AND REPORTING OF HCBS QUALITY MEASURES.—

(1) IN GENERAL.— Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended—

(A) in subparagraph (E)(ii), by striking "plus" after the semicolon and inserting "and"; and

(B) by inserting after subparagraph (E), the following:

"(G) 80 percent of so much of the sums expended during such quarter as are attributable to the reporting of information regarding the quality of home and community-based services in accordance with sections 1139A(a)(4)(B)(ii) and 1139B(b)(3)(C); and"

(2) EXEMPTION FROM TERRITORIES' PAYMENT LIMITS.— Section 1108(g)(4) of the Social Security Act is amended by adding at the end the following new subparagraph:

"(C) ADDITIONAL EXEMPTION RELATING TO HCBS QUALITY REPORTING.— Payments under section 1903(a)(3)(G) shall not be taken into account in applying payment limits under subsections (f) and (g) of this subsection. "

(b) HCBS QUALITY MEASURES FOR INCREASE.— Title XI of the Social Security Act (42 U.S.C. 1301 et seq. through 1320e-3) is amended—

(1) in section 1139A—

(A) in subsection (a)(4)(B)—

(i) by striking "Beginning with the annual State report on fiscal year 2024" and inserting the following:

"(i) IN GENERAL.— Subject to clause (ii), beginning with the annual State report on fiscal year 2024"; and

(ii) by adding at the end the following new clause:

"(ii) REPORTING HCBS QUALITY MEASURES.— With respect to reporting on information regarding the quality of home and community-based services provided to children under title XIX or title XXI, beginning with the annual State report required under subsection (c)(1) for the first fiscal year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based services quality measures developed under subsection (b)(5)(B) the Secretary shall require States to report such information using the standardized format for reporting information and procedures developed under subparagraph (A) and using all such home and community-based quality measures developed under subsection (b)(5) (including any updates or changes to such measures)."; and

(B) in subsection (b)(5)~~(4)~~

(i) by striking "Beginning no later than January 1, 2013" and inserting the following:

"(A) IN GENERAL.— Beginning no later than January 1, 2013"; and

(ii) by adding at the end the following new subparagraph:

"(B) HCBS QUALITY MEASURES.— Beginning with the first year that begins on the date that is 2 years after the date of enactment of this subparagraph; (or, in the case of measures that require development and testing prior to availability, not later than 4 years after the date of enactment of this subparagraph), the requirements of subparagraph (A) shall apply, and the core measures described in subsection (a) (and any updates or changes to such measures) shall include home and community-based services, and quality measures developed by the Secretary ~~in the manner described in section 1139B(b)(5)(D). The Secretary may determine which measures are to be included in the core set under this.~~ The Secretary shall ensure that such measures reflects the full array of home and community-based services, and consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services).";

(C) in subsection (b)(6)—

(i) by inserting "or support services" before "that is capable of";

(ii) by striking "and ambulatory health care settings" and insertion and which in the core set under ng ", ambulatory health care, and home and community-based settings"; and

(iii) by insertion 1139B, based on the differences ng "and home and community-based" before "care system"; and

(D) in subsection (c)(1), in the health care needs for the relevant populations. matter preceding subparagraph (A), by inserting ", subject to subsection (a)(4)(B) (ii), " before "annually report"; and

(2) in section 1139B—

(A) in subsection (b)—

(i) in paragraph (3), by adding at the end the following new subparagraph:

"(C) MANDATORY REPORTING WITH RESPECT TO HCBS QUALITY MEASURES.— Beginning with the State report required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based quality measures developed under paragraph (5)(D), the Secretary shall require States to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of home and community-based services for Medicaid eligible adults using either—"(i)all of the

home and community-based services quality measures included in the core set of adult health quality measures under subparagraph (5)(D), and any updates or changes to such measures; ~~or "(ii) an equivalent alternative set of home and community-based services quality measure."; and~~

(ii) in paragraph (5), by adding at the end the following new subparagraph:

"(D) HCBS QUALITY MEASURES.—

"(i) FUNDING.— In addition to amounts otherwise available, there is appropriated by to the Secretary."; and (ii) in paragraph (5), by adding a, for fiscal year 2022, to be available until expended, out of any money in the Treasury not othe-end the following newwise appropriated, \$22,000,000, for carrying out this subparagraph:

"(D)ii) INCLUSION OF HCBS QUALITY MEASURES.—"(i) IN GENERAL.— Beginning with respect to State reports required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date of enactment of this subparagraph; (or, in the case of measures that require development and testing prior to availability, not later than 4 years after the date of enactment of this subparagraph) the core set of adult health quality measures maintained under this paragraph (and any updates or changes to such measures) shall include home and community-based services quality measures developed in accordance with this subparagraph.

"(ii) REQUIREMENTS.—

"(I) INTERAGENCY COLLABORATION; STAKEHOLDER INPUT.— IN-DEVELOPING (AND SUBSEQUENTLY GENERAL.— In developing, reviewing and updating) the home and community-based services quality measures included in the core set of adult health quality measures maintained under this paragraph, the Secretary shall—"(aa) collaborate with the Administrator of the Centers for Medicare & Medicaid Services, the Administrator of the Administration for Community Living, the Director of the Agency for Healthcare Research and Quality, and the Assistant Secretary for Mental Health and Substance Use; and "(bb) ensure that such home and community-based services quality measures are informed by input from stakeholders, including recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates. "(II) Reflective of full array of services.— Such home and community-based services quality measures shall—"(aa) reflect the full array of home and community-based services and recipients of such

~~services; and "(bb) include—"(AA) outcomes-based measures; "(BB) measures of availability of services; "(CC) measures of provider capacity and availability; "(DD) measures related to person-centered care; "(EE) measures specific to self-directed care; "(FF) measures related to transitions to and from institutional care; and "(GG) beneficiary and family caregiver surveys. "(III) Demographics.— Such home and community-based services quality measures shall allow for the collection, to the extent available, of data that is disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting. "(IV) consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services) and ensure such measures reflect the full array of home and community-based services and recipients of such services~~

~~"(II) DEFINITIONS.— For purposes of this section and section 1139A, the terms 'home and community-based services', 'health plan', and 'direct care worker' have the meanings given those terms in section 30711(e) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'. "(iii) Funding.— 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, \$5,000,000, to remain available until expended, for carrying out this subparagraph."; and~~

(B) in subsection (d)(1)(A), by striking "; and" and inserting "and, beginning with the report for the first year that begins after the date that is 2 years after the Secretary publishes the home and community-based quality measures developed under subsection (b)(5)(D), all home and community-based services quality measures included in the core set of adult health quality measures maintained under subsection (b)(5) and any updates or changes to such measures ~~or an equivalent alternative set of home and community-based services quality measures approved by the Secretary; and".~~ (b) Increased Federal matching rate for adoption and reporting.— (1) In general.— Section 1903(a)(3) of the Social Security Act (42 U.S.C. 1396b(a)(3)) is amended— (A) in subparagraph (F)(ii), by striking "plus" after the semicolon and inserting "and"; and (B) by inserting after subparagraph (F), the following: "(C) 80 percent of so much of the sums expended during such quarter as are attributable to the reporting of information regarding the quality of home and community-based services in accordance with sections 1139A(a)(4)(B)(ii) and 1139B(b)(3)(C); and". (2) Exemption from territories' payment limits.— (i) Section 1108(g)(4) of the Social Security Act is amended by adding at the end the following new subparagraph: "(C) Additional

~~exemption relating to HCBS quality reporting.— Payments under section 1903(a)(3)(C) shall not be taken into account in applying payment limits under subsection (f) and this subsection.; and".~~

Sec. 307215. Permanent extension of Medicaid protections against spousal impoverishment for recipients of home and community-based services

(a) IN GENERAL.— Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r-5(h)(1)(A)) is amended by striking "(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI)" and inserting the following: "is eligible for medical assistance for home and community-based services provided under subsection (c), (d), or (i) of section 1915 or under a waiver approved under section 1115, or who is eligible for such medical assistance by reason of being determined eligible under section 1902(a)(10)(C) or by reason of section 1902(f) or otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care, or who is eligible for medical assistance for home and community-based attendant services and supports under section 1915(k)".

(b) CONFORMING AMENDMENT.— Section 2404 of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r-5 note) is amended by striking "September 30, 2023" and inserting "the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'".

Sec. 3072216. Permanent extension of Money Follows the Person Rebalancing demonstration

(a) IN GENERAL.— Subsection (h) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by inserting "and" after the semicolon;

(B) by amending subparagraph (J) to read as follows:

"(J) \$450,000,000 for each fiscal year after fiscal year 2021."; and

(C) by striking subparagraph (K);

(2) in paragraph (2), by striking "September 30, 2023" and inserting "September 30 of the subsequent fiscal year"; and

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

"(3) TECHNICAL ASSISTANCE.— ~~Out of the~~In addition to amounts ~~made~~otherwise available under paragraph (1), for the 3-year period beginning with fiscal year 2022 and for each subsequent 3-year period, ~~\$5,000,000 shall be made available, there is appropriated to the Secretary for fiscal year 2022 and for each subsequent 3-year period, out of any money in the Treasury not otherwise appropriated, \$5,000,000 to remain available until expended,~~ for carrying out subsections ~~(f), (g), and (i).~~^(j)".

(b) REDISTRIBUTION OF UNEXPENDED GRANT AWARDS.— Subsection (e)(2) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following new sentence: "Any portion of a State grant award for a fiscal year under this section that is unexpended by the State at the end of the fourth succeeding fiscal year shall be rescinded by the Secretary and added to the appropriation for the fifth succeeding fiscal year."

~~Sec. 30723. Extending continuous Medicaid coverage for pregnant and postpartum women (a) Requiring full benefits for pregnant and postpartum women for 12-month period post pregnancy.— (1) In general.— Paragraph (5) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended— (A) by striking "(5) A woman who" and inserting "(5)(A) For any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), a woman who"; and (B) by adding at the end the following new subparagraph: "(B) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of this subparagraph), any individual who, while pregnant, is eligible for and received medical assistance under the State plan or a waiver of such plan (regardless of the basis for the individual's eligibility for medical assistance and including during a period of retroactive eligibility under subsection (a)(34)), shall remain eligible, notwithstanding section 1916(e)(3) or any other limitation under this title, for medical assistance through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends, and such medical assistance shall be in accordance with clauses (i) and (ii) of paragraph (16)(B). ". (2) Conforming amendments.— Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended— (A) in section 1902(a)(10), in the matter following subparagraph (C), by striking "(VII) the medical assistance" and all that follows through ", (VIII)" and inserting "(VIII)"; (B) in section 1902(e)(6), by striking "In the case of" and inserting "For any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), in the case of"; (C) in section 1902(l)(1)(A), by striking "60-day period" and inserting "12-month period"; (D) in section 1903(v)(4)(A)— (i) in clause (i), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period)"; and (ii) in clause (ii), by inserting "and including an individual to whom section 1902(e)(5)(B) applies, in accordance with such section, through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends"~~

~~before the period at the end; and (E) in section 1905(a), in the 4th sentence in the matter following paragraph (31), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), 60-day period)". (b) Transition from State option.— Section 1902(e)(16)(A) of the Social Security Act (42 U.S.C. 1396a(e)(16)(A)) is amended by striking "At the option of the State" and inserting "For any fiscal year quarter with respect to which the amendments made by section 30723(a)(1)(B) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' do not apply (beginning with the first fiscal year quarter beginning one year after the date of the enactment of such Act), at the option of the State". (c) Effective date.— (1) In general.— Subject to paragraph (2), the amendments made by this section shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date. (2) Exception for State legislation.— In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made by this section, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.~~

1. Investments to ensure continued access to health care for children, pregnant individuals, and other individuals

(a) EXTENDING CONTINUOUS COVERAGE FOR PREGNANT AND POSTPARTUM INDIVIDUALS.—

(1) MEDICAID.—

(A) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM INDIVIDUALS FOR 12-MONTH PERIOD POST PREGNANCY.—

(i) IN GENERAL.— Paragraph (5) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(I) by striking "(5) A woman who" and inserting "(5)(A) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') with respect to which subparagraph (B) does not apply, an individual who"; and

(II) by adding at the end the following new subparagraph:

"(B) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14'), any individual who, while pregnant, is eligible for and received medical assistance under the State plan or a waiver of such plan (regardless of the basis for the individual's eligibility for medical assistance and including during a period of retroactive eligibility under subsection (a)(34)), shall remain eligible, notwithstanding section 1916(c)(3) or any other limitation under this title, for medical assistance through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends, and such medical assistance shall be in accordance with clauses (i) and (ii) of paragraph (16)(B)."

(ii) CONFORMING AMENDMENTS.— Title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) is amended—

(I) in section 1902(a)(10), in the matter following subparagraph (G), by striking "(VII) the medical assistance" and all that follows through "(VIII)" and inserting "(VIII)";

(II) in section 1902(e)(6), by striking "In the case of" and inserting "For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, in the case of";

(III) in section 1902(l)(1)(A), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter with respect to which subsection (e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)";

(IV) in section 1903(v)(4)—

(aa) in subparagraph (A)(i), by striking "the 60-day period" and inserting "the applicable period (as described in subparagraph (D))";

(bb) in subparagraph (A)(ii), by striking the period at the end and inserting the following:

and including—

"(I) for any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the American Rescue Plan of 2021) with respect to which section 1902(e)(5)(B) does not apply, an individual to whom section 1902(e)(5)(A) applies, in accordance with such section 1902(e)(5)(A), as applicable pursuant to section 1902(e)(16)(A); and";

(cc) in subparagraph (A)(ii), as amended by item (bb), by adding at the end the following new subclause:

"(II) for any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment

of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', an individual to whom section 1902(e)(5)(B) applies, in accordance with such section, through the end of the month in which the 12-month period (beginning on the last day of pregnancy of the individual) ends.";

(dd) by adding at the end the following new subparagraph:

"(D) For purposes of subparagraph (A), the applicable period described in this subparagraph is—

"(i) beginning with the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan of 2021, for a State that has adopted the option under section 1902(e)(16)(A), the 12-month period;" and

(ee) in the subparagraph (D) added by item (dd), by adding at the end the following new clauses:

"(ii) beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', the 12-month period; and

"(iii) for any fiscal year quarter (beginning with such first fiscal year quarter) with respect to which section 1902(e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), the 60-day period.";

(V) in section 1905(a), in the 4th sentence in the matter following paragraph (31), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter with respect to which section 1902(e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)"; and

(VI) in section 1905(y)(2), by adding at the end the following new subparagraph:

"(C) TREATMENT FOR CERTAIN INDIVIDUALS.— Notwithstanding subparagraph (A) of this paragraph, section 1902(a)(10)(A)(i)(III), and section 1902(a)(10)(A)(i)(IV), the term 'newly eligible' shall apply to individuals who but for the amendment made by section 30721(a)(1)(A)(i)(II) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' would be eligible under the State plan (or waiver) for medical assistance under section 1902(a)(10)(A)(i)(VIII) for the period beginning on the first day occurring after the end of such 60-day period and ending on the last day of the month in which the 12-month period (beginning on the last day of her pregnancy) ends.";

(B) TRANSITION FROM STATE OPTION.—

(i) IN GENERAL.— Section 1902(e)(16)(A) of the Social Security Act (42 U.S.C. 1396a(e)(16)(A)) is amended by striking "At the option of the State" and inserting "For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, at the option of the State".

(ii) CONFORMING AMENDMENT.— Section 9812 of the American Rescue Plan of 2021 (Public Law 117–2) is amended by striking "during the 5-year period".

(C) EFFECTIVE DATE.—

(i) IN GENERAL.— Subject to clauses (i) and (ii), the amendments made by this paragraph shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date.

(ii) EXCEPTION FOR CERTAIN AMERICAN RESCUE PLAN OF 2021 CONFORMING AMENDMENTS.— The amendments made by items (aa), (bb), and (dd) of subparagraph (A)(ii)(IV) shall take effect on the first day of the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan of 2021 and shall apply with respect to medical assistance provided on or after such date.

(iii) EXCEPTION FOR STATE LEGISLATION.— In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made by this paragraph, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(2) CHIP.—

(A) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM WOMEN FOR 12-MONTH PERIOD POST PREGNANCY.—

(i) IN GENERAL.— Section 2107(e)(1)(J) of the Social Security Act (42 U.S.C. 1397gg(e)(1)(J)) is amended—

(I) by striking "Paragraphs (5) and (16)" and inserting "(i) For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, paragraphs (5)(A) and (16)"; and

(II) by adding at the end the following new clause:

"(ii) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of

S. Con. Res. 14'), section 1902(e)(5)(B) (requiring, notwithstanding section 2103(e)(3)(C)(ii)(I) or any other limitation under this title, continuous coverage for pregnant and postpartum individuals, including 12 months postpartum, of medical assistance) if the State provides child health assistance for targeted low-income children or to targeted low-income pregnant women, under the State child health plan or waiver, including coverage of all items or services provided to a targeted low-income child or targeted low-income pregnant woman (as applicable) under the State child health plan or waiver)."

(ii) CONFORMING AMENDMENTS.— Section 2112 of the Social Security Act (42 U.S.C. 1397ll) is amended—

(I) in subsection (d)—

(aa) in paragraph (1), by inserting "and includes, through application of section 1902(e)(5)(B) pursuant to section 2107(e)(1)(J)(ii), continuous coverage for pregnant and postpartum individuals, including 12 months postpartum, of assistance" before the period at the end; and

(bb) in paragraph (2)(A), by striking "60-day period" and all that follows through "ends" and inserting "12-month period (or, for any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') with respect to which section 2107(e)(1)(J)(ii) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period) ends"; and

(II) in subsection (f)(2), by striking "60-day period" and inserting "12-month period (or, for any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14') with respect to which section 2107(e)(1)(J)(ii) does not apply and for which the State has not adopted the option under section 1902(e)(16)(A), 60-day period)".

(B) TRANSITION FROM STATE PLAN OPTION.— Section 9822(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended by striking "5-year period".

(C) EFFECTIVE DATE.—

(i) IN GENERAL.— Subject to clause (ii), the amendments made by this paragraph shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to child health assistance and pregnancy-related assistance, as applicable, provided on or after such date.

(ii) EXCEPTION FOR STATE LEGISLATION.— In the case of a State child health plan under title XXI of the Social Security Act (42 U.S.C. 1397aa through 1397mm) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under this paragraph, the plan shall not be regarded as failing to comply with the requirements of such title solely on the basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(b) PROVIDING FOR 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.—

(1) UNDER THE MEDICAID PROGRAM.—

(A) IN GENERAL.— Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(i) in paragraph (12), by inserting "before the date that is one year after the date of the enactment of paragraph (17)" after "subsection (a)(10)(A)"; and

(ii) by adding at the end following new paragraph:

"(17) 1 YEAR OF CONTINUOUS ELIGIBILITY FOR CHILDREN.— The State plan (or waiver of such State plan) shall provide that an individual who is under the age of 19 and who is determined to be eligible for benefits under a State plan (or waiver of such plan) approved under subsection (a)(10)(A) shall remain eligible for such benefits until the earlier of—

"(A) the end of the 12-month period beginning on the date of such determination;

"(B) the time that such individual attains the age of 19; or

"(C) the date that such individual ceases to be a resident of such State."

(B) EFFECTIVE DATE.—

(i) IN GENERAL.— Subject to clause (ii), the amendments made by subparagraph (A)(ii) shall take effect one year after the date of enactment of this Act.

(ii) EXCEPTION FOR STATE LEGISLATION.— In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under subparagraph (A)(ii), the plan shall not be regarded as failing to comply with the requirements of such title solely on the

basis of its failure to meet such a requirement before the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year legislative session, each year of the session shall be considered to be a separate regular session of the State legislature.

(2) UNDER THE CHILDREN'S HEALTH INSURANCE PROGRAM.— Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397gg(e)(1)) is amended—

(A) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), respectively; and

(B) by inserting after subparagraph (J) the following new subparagraph:

"(K) Section 1902(e)(17) (relating to 1 year of continuous eligibility for children)."

(c) REVISIONS TO TEMPORARY INCREASE OF MEDICAID FMAP UNDER THE FAMILIES FIRST CORONAVIRUS RESPONSE ACT.— Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note) is amended—

(1) in subsection (a)—

(A) by striking "In general.—Subject to" and inserting Temporary increase.—

"(1) IN GENERAL.— Subject to";

(B) in the paragraph (1) inserted by subparagraph (A)—

(i) by striking "the last day of the calendar quarter in which the last day of such emergency period occurs" and inserting "September 30, 2022"; and

(ii) by striking "6.2 percentage points" and inserting "the number of percentage points specified in paragraph (2) with respect to such calendar quarter"; and

(C) by adding at the end the following new paragraph:

"(2) PERCENTAGE POINTS SPECIFIED.— For purposes of paragraph (1), the number of percentage points specified in this paragraph is—

"(A) 6.2 percentage points with respect to each calendar quarter occurring during the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) and ending March 31, 2022;

"(B) 3.0 percentage points with respect to the calendar quarter beginning on April 1, 2022, and ending on June 30, 2022; and

"(C) 1.5 percentage points with respect to the calendar quarter beginning on July 1, 2022, and ending on September 30, 2022.";

(2) in subsection (b)(3)—

(A) by striking "the State fails" and inserting "subject to subsection (f), the State fails";

(B) by striking "and ending the last day of the month in which the emergency period described in subsection (a) ends" and inserting "and ending on March 31, 2022,"; and

(C) by striking "through the end of the month in which such emergency period ends" and inserting "through September 30, 2022,";

(3) by redesignating the second subsection (d), as added by section 11 of division X of the Consolidated Appropriations Act, 2021 (Public Law 116-260), as subsection (e); and

(4) by adding at the end the following new subsection:

"(f) SPECIAL RULE FOR ENROLLMENTS AS OF APRIL 1, 2022.— For calendar quarters during the period described in subsection (a) that begin on or after April 1, 2022, a State described in such subsection may, in accordance with paragraph (3), terminate coverage for an individual who is determined to be no longer eligible for medical assistance and who has been enrolled for at least 12 consecutive months under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396) (or waiver of such plan), and such State shall not be ineligible for the increase to the Federal medical assistance percentage of the State described in such subsection on the basis that the State is in violation of the requirement of subsection (b)(3), if the State, with respect to such terminations of coverage conducted through September 30, 2022, for such individuals, is in compliance with each of the following:

"(1) The State shall conduct such eligibility redeterminations, with respect to such an individual, in accordance with the provisions of section 435.916 of title 42 of the Code of Federal Regulations (or any successor regulation), based on the current circumstances of such individual.

"(2) In the case of such an individual, the State shall assess whether the individual is eligible for all categories under the State plan (or waiver).

"(3) In the case of such an individual determined ineligible pursuant to such a redetermination of medical assistance under the State plan (or waiver) for all eligibility categories under the State plan (or waiver), the State shall comply with the requirements of section 1943 of the Social Security Act (42 U.S.C. 1396w-3), including that the State shall determine potential eligibility for, and as appropriate, transfer via a secure electronic interface the individual's electronic account to, other insurance affordability programs.

"(4) Prior to terminating coverage for an individual, the State shall undertake a good faith effort to ensure that the State has contact information (including an up-to-date mailing address, phone number, or email address) for such individuals by confirming with Medicaid managed care organizations (where applicable), and other applicable State health and human services agencies.

"(5) The State may not disenroll from the State plan (or waiver) such an individual determined ineligible pursuant to such a redetermination for medical assistance under the State plan (or waiver) on the basis of returned mail unless—

"(A) there have been at least two failed attempts to contact such individual; and

"(B) after the second attempt, the individual had 30 days notice before such disenrollment takes effect.

"(6) The State may not initiate such eligibility redeterminations for more than 1/12 of such individuals enrolled in the State plan (or waiver) with respect to any month during the period beginning on April 1, 2022, and ending on September 30, 2022.

"(7) The State shall submit to the Secretary monthly reports during the period described in subsection (a) that begin on or after April 1, 2022 which the State receives an increase pursuant to such subsection period on the activities of the State, including, with respect to the period for which the report is submitted—

"(A) the number of cases of such eligibility redeterminations conducted by the State during such period in which the eligibility of such an individual for medical assistance under the State plan (or waiver) was renewed and the number of cases of such eligibility redeterminations so conducted during such period in which the eligibility of such an individual for medical assistance under the State plan (or waiver) was terminated;

"(B) the number of such cases in which eligibility for medical assistance under the State plan (or waiver) were so terminated pursuant to such a redetermination due to insufficient documentation related to verification of eligibility;

"(C) the number of such cases in which eligibility for medical assistance under the State plan (or waiver) were so terminated pursuant to such a redetermination due to a known change in circumstance;

"(D) the number of individuals whose coverage was terminated pursuant to such a redetermination who, during such period, transferred to a qualified health plan through an Exchange, CHIP, or basic health program pursuant to paragraph (3); and

"(E) with respect to eligibility redeterminations, the average volume, wait times, and abandonment rate (as determined by the Secretary) for each call center during such month."

(d) ALLOWING FOR MEDICAL ASSISTANCE UNDER MEDICAID FOR INMATES DURING 30-DAY PERIOD PRECEDING RELEASE.—

(1) IN GENERAL.— The subdivision (A) following paragraph (31) of section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended by inserting "and, beginning on the first day of the first fiscal year quarter that begins two years after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', except during the 30-day period preceding the date of release of an inmate of a public institution" after "medical institution".

(2) CONFORMING AMENDMENTS.— Section 1902(a) of the Social Security Act (42 U.S.C. 1396a(a)) is amended—

(A) in paragraph (74), by striking at the end "and"; and

(B) in paragraph (84)—

(i) in subparagraph (A), by inserting ", except, beginning on the first day of the first fiscal year quarter that begins two years after the date of the enactment of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14', the State may not suspend coverage during the 30-day period preceding the expected date of release of the juvenile" after "during the period the juvenile is such an inmate"; and

(ii) in subparagraph (C), by striking "upon release" and inserting "30 days prior to release".

(e) EXTENSION OF CERTAIN PROVISIONS.—

(1) EXPRESS LANE ELIGIBILITY OPTION.— Section 1902(e)(13) of the Social Security Act (42 U.S.C. 1396a(e)(13)) is amended by striking subparagraph (I).

(2) CONFORMING AMENDMENTS FOR ASSURANCE OF AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.— Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended—

(A) in the paragraph heading, by striking "through September 30, 2027"; and

(B) by striking "through September 30" and all that follows through "ends on September 30, 2027" and inserting "(but beginning on October 1, 2019,".

(f) STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND POSTPARTUM INDIVIDUALS.—

Title XIX of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after section 1945A the following new section:

"Sec. 1945B. State option to provide coordinated care through a maternal health home for pregnant and postpartum individuals

"(a) IN GENERAL.— Notwithstanding section 1902(a)(1) (relating to statewideness) and section 1902(a)(10)(B) (relating to comparability), beginning 24 months after the date of enactment of this section, a State, at its option as a State plan amendment, may provide for medical assistance under this title to eligible individuals who choose to enroll in a maternal health home under this section and receive maternal health home services from a designated provider, a team of health professionals operating with such a provider, or a health team.

"(b) MATERNAL HEALTH HOME QUALIFICATION STANDARDS.— A maternal health home under this section shall demonstrate to the State the ability to do the following:

"(1) Develop an individualized comprehensive care plan for each eligible individual, working in a culturally and linguistically appropriate manner with such individual to develop and incorporate such care plan in a manner consistent with such individual's needs and choices, including—

"(A) primary care; (I)

"(B) inpatient care;

"(C) social support services;

"(D) local hospital emergency care;

"(E) care management and planning related to a change in an eligible individual's eligibility for medical assistance or a change in health insurance coverage as needed; and

"(F) behavioral health services.

"(2) Coordinate all necessary services to support prenatal, labor and delivery, and postpartum care for eligible individuals.

"(3) Coordinate access to specialists, behavioral health providers, early intervention services, and pediatricians.

"(4) Collect and report information under subsection (d).

"(c) PAYMENTS.—

"(1) IN GENERAL.— A State shall provide a designated provider, a team of health professionals operating with such a provider, or a health team with payments for the provision of maternal health home services to each eligible individual enrolled in a maternal health home. Payments for maternal health home services made to a designated provider, a team of health professionals operating with such a provider, or a health team shall be treated as payments for medical assistance for purposes of section 1903(a), except that, during the first 8 fiscal quarters that the State plan amendment is in effect, the Federal medical assistance percentage otherwise applicable to such payments shall be increased by 15 percentage points, not to exceed 90 percent.

"(2) METHODOLOGY.—

"(A) IN GENERAL.— The State shall specify in the State plan amendment the methodology the State will use for determining payment for the provision of maternal health home services. Such methodology for determining payment—

"(i) may be tiered or adjusted to reflect, with respect to each individual provided such services by a designated provider, a team of health care professionals operating with such a provider, or a health team, the acuity of each individual receiving care, or the specific capabilities of the provider, team of health care providers, or health team; and

"(ii) shall be established consistent with section 1902(a)(30)(A).

"(B) ALTERNATE MODEL OF PAYMENT.— The methodology for determining payment for provision of maternal health home services under this section shall not be limited to a fee-for-service or per-member per-month payment model, and may provide for alternate models of payment that reflect the needs of a State, subject to the approval of the Secretary.

"(3) PLANNING GRANTS.—

"(A) IN GENERAL.— Beginning 12 months after the date of enactment of this section, the Secretary may award planning grants to States for purposes of

developing a State plan amendment under this section. A planning grant awarded to a State under this paragraph shall remain available until expended.

"(B) STATE CONTRIBUTION.— A State awarded a planning grant shall contribute an amount equal to the State percentage determined under section 1905(b) for each fiscal year for which the grant is awarded.

"(C) APPROPRIATIONS.— 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 expended, to carry out this paragraph, \$5,000,000 for awarding grants under this section.

"(d) DATA COLLECTION AND REPORTING.—

"(1) PROVIDER REPORTING REQUIREMENTS.—

"(A) IN GENERAL.— In order to receive payments from a State under subsection (c), a designated provider, a team of health professionals operating with such a provider, or a health team shall report to the State, in accordance with such requirements as the Secretary shall specify, the following:

"(i) With respect to each such designated provider, team of health professionals, or health team, the name, national provider identification number, address, and specific maternal health home services offered to be provided to eligible individuals who have selected such designated provider, team of health professionals, or health team as the maternal health home of such eligible individuals.

"(ii) Information on all applicable measures for determining the quality of maternal health home services provided by such designated provider, team of health professionals, or health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

"(B) USE OF HEALTH INFORMATION TECHNOLOGY.— A designated provider, a team of health professionals operating with such a provider, or a health team shall use, to the extent practicable, health information technology to provide a State with the information required under subparagraph (A) and to improve care coordination for eligible individuals, such as by—

"(i) facilitating the review of person-centered care plans;

"(ii) monitoring service delivery and identifying gaps in treatment; and

"(iii) communicating with eligible individuals and with primary, behavioral health and specialty care providers.

"(2) STATE REPORTING REQUIREMENTS.— A State with a State plan amendment approved under this section shall collect and report to the Secretary, at such time and in such form and manner as required by the Secretary, the following information:

"(A) The number of maternal health homes in a State in which individuals are enrolled pursuant to a State plan amendment under this section.

"(B) The number of individuals served who selected a maternal health home, disaggregated by race and ethnicity, pursuant to a State plan amendment under this section.

"(C) Information on the quality measures applicable for maternal health home services, including, to the extent applicable, the core set of child health quality measures published under section 1139A, and the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

"(D) The type of delivery systems and payment models used to provide health home services to eligible individuals enrolled in a maternal health home under a State plan amendment under this section.

"(E) The number and characteristics of designated providers, teams of health professionals, and health teams selected as maternal health homes pursuant to a State plan amendment under this section.

"(F) Information on hospitalizations, morbidity, and mortality of eligible individuals and their infants enrolled in a maternal health home in such State alongside comparable data from a State's maternal mortality review committee.

"(G) A report on best practices for effective strategies in coordinating care to support access to comprehensive maternal health services.

"(H) Information reported to the State under paragraph (1).

"(e) STATE PLAN AMENDMENT.—

"(1) IN GENERAL.— A State plan amendment submitted pursuant to this section shall include—

"(A) eligibility criteria for maternal health homes;

"(B) services available to eligible individuals through the maternal health home;

"(C) a description of providers that may provide care through a maternal health home, and that include how such State will ensure any provider arrangement offered includes a person-centered planning approach to determining necessary services and supports and providing the appropriate care coordination to meet clinical and non-clinical needs of eligible individuals; and

"(D) reimbursement methodologies (as described in subsection (c)(2)).

"(2) HOSPITAL NOTIFICATION.— A State with a State plan amendment approved under this section shall require each hospital that is a participating provider under the State plan (or a waiver of such plan) to establish procedures for, in the case of an individual who is enrolled in a maternal health home pursuant to this section and seeks treatment in the emergency department of such hospital, notifying the health home of such individual of such treatment.

"(3) EDUCATION WITH RESPECT TO AVAILABILITY OF MATERNAL HEALTH HOME SERVICES.— In order for a State plan amendment to be approved under this section, a State shall include in the State plan amendment—

"(A) a description of the State's process for educating providers participating in the State plan (or a waiver of such plan) on the availability of maternal health home services, including the process by which such providers can refer individuals to a designated provider, team of health care professionals operating such a provider, or health team for the purpose of establishing a maternal health home through which such individuals may receive such services; and

"(B) a description of the State's process for educating individuals on the availability of such services.

"(4) CONFIDENTIALITY.— A State with a State plan amendment approved under this section shall establish confidentiality protections to ensure, at a minimum, that the State does not disclose any identifying information with respect to any specific mortality case (including pursuant to the reporting of information required under subsection (d)(2)(E)).

"(f) RULE OF CONSTRUCTION.— Nothing in this section shall be construed—

"(1) to require an eligible individual to enroll in, or prohibit an eligible individual from disenrolling at any time from, a maternal health home under this section; or

"(2) to require a designated provider, team of health professionals, or health team to act as a maternal health home and provide services in accordance with this section if the designated provider, team of health professionals, or health team does not voluntarily agree to act as a maternal health home.

"(g) DEFINITIONS.— In this section:

"(1) DESIGNATED PROVIDER.— The term 'designated provider' means a physician, clinical practice or clinical group practice, rural health clinic, freestanding birth center, community health center, obstetrician gynecologist, midwife who meets at a minimum the international definition of the midwife and global standards for midwifery education as established by the International Confederation of Midwives, or any other entity or provider determined by the State and approved by the Secretary to be qualified to act as a maternal health home.

"(2) ELIGIBLE INDIVIDUAL.— The term 'eligible individual' means an individual eligible for medical assistance under the State plan or under a waiver of such plan who—

"(A) is pregnant or in the postpartum period that begins on the last day of the pregnancy and ends on the last day of the month in which the 12-month period (beginning on the last day of the pregnancy of the individual) ends (or, if the State provides for a longer period of postpartum coverage period under such plan or waiver, on the last day of such longer period); and

"(B) is not enrolled in a health home under section 1945 or 1945A.

"(3) HEALTH TEAM.— The term 'health team' has the meaning given such term for purposes of section 3502 of Public Law 111–148.

"(4) MATERNAL HEALTH HOME.— The term 'maternal health home' means a designated provider (including a provider that operates in coordination with a team of

health care professionals), or a health team selected by a State to provide maternal health home services to pregnant and postpartum individuals.

“(5) MATERNAL HEALTH HOME SERVICES.—

“(A) IN GENERAL.— The term ‘maternal health home services’ means comprehensive and timely high-quality services described in subparagraph (B) that are provided by a designated provider, a team of health professionals operating with such a provider, or a health team.

“(B) SERVICES DESCRIBED.— The services described in this subparagraph shall include—

“(i) a standardized risk assessment for all participants to determine needs;

“(ii) comprehensive care management;

“(iii) care coordination and health promotion;

“(iv) comprehensive transitional care, including arranging appropriate follow-up, for individuals transitioning from inpatient care to other settings;

“(v) individual and family support (including authorized representatives);

“(vi) making referrals to other medical, community, and social support services, if relevant; and

“(vii) the use of health information technology to link services and coordinate care, to the extent practicable.

“(6) STANDARDIZED RISK ASSESSMENT.— The term ‘standardized risk assessment’ means an assessment to determine the needs of an eligible individual, and shall include an assessment of medical, obstetric, behavioral health, and social needs performed at the initial prenatal or postpartum visit.

“(7) TEAM OF HEALTH PROFESSIONALS.— The term ‘team of health professionals’ means a team of health professionals (as described in the State plan amendment under this section) that may—

“(A) include physicians, midwives who meet at a minimum the international definition of the midwife and global standards for midwifery education as established by the International Confederation of Midwives, nurses, nurse care coordinators, nutritionists, social workers, doulas, behavioral health professionals, community health workers, translators and interpreters, and other professionals determined to be appropriate by the State;

“(B) a health care entity or individual who is designated to coordinate such a team; and

“(C) provide care at a facility that is freestanding, virtual, or based at a hospital, freestanding birth center, community health center, community mental health center, rural clinic, clinical practice or clinical group practice, academic health center, children’s hospital, or any entity determined to be appropriate by the State and approved by the Secretary.”

(g) FUNDING FOR IMPLEMENTATION AND ADMINISTRATION.— In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to provide technical assistance and guidance and cover administrative costs associated with implementing the amendments made by this section.

[NOTE-- DELETED /tIII/stG/p3/s30724: ~~Sec. 30724. Providing for 1 year of continuous eligibility for children under the Medicaid program]~~

[NOTE-- DELETED /tIII/stG/p3/s30725: ~~Sec. 30725. Allowing for medical assistance under Medicaid for inmates during 30-day period preceding release]~~

[NOTE-- DELETED /tIII/stG/p3/s30726: ~~Sec. 30726. Extension of certain provisions]~~

[NOTE-- MOVED /tIII/stH to /tIII/stG]

Sec. 30722. Investments to expand access to behavioral health

(a) EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES DEMONSTRATION PROGRAM.

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(1) IN GENERAL.— Section 223 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended—

(A) in subsection (c), by adding at the end the following new paragraph:

"(3) ADDITIONAL PLANNING GRANTS.— In addition to the planning grants awarded under paragraph (1), the Secretary shall award planning grants to States (other than States selected to conduct demonstration programs under paragraph (1) or (8) of subsection (d)) for the purpose of developing proposals to participate in time-limited demonstration programs described in subsection (d).";

(B) in subsection (d)—

(i) in paragraph (3), by striking "Subject to paragraph (8)" and inserting "Subject to paragraphs (8) and (9)";

(ii) in paragraph (5)(C)(iii)(II), by inserting "or paragraph (9)" after "paragraph (8)";

(iii) in paragraph (7)(B)—

(I) by striking "December 31, 2021" and inserting "March 31, 2026";

(II) by striking "recommendations concerning" and all that follows through the period and inserting "recommendations concerning whether and how the demonstration programs under this section should be modified."; and (I)

(III) by adding at the end the following new sentence: "Such recommendations shall be based on data collected from States selected to conduct demonstration programs under paragraph (1) and, to the extent available, data collected from States selected to conduct demonstration programs under paragraphs (8) and (9)."; and

(iv) by adding at the end the following new paragraph:

"(9) FURTHER ADDITIONAL PROGRAMS.—

"(A) IN GENERAL.— In addition to the States selected under paragraphs (1) and (8) and without regard to paragraph (4), the Secretary shall select any State that meets the requirements described in subparagraph (B) to conduct a demonstration program that meets the requirements of this subsection for 2 years.

"(B) REQUIREMENTS.— The requirements described in this subparagraph with respect to a State are that the State—

"(i) was awarded a planning grant under paragraph (1) or (3) of subsection (c); and

"(ii) submits an application (in addition to any application that the State may have previously submitted under this section) that meets the requirements of paragraph (2)(B).

"(C) REQUIREMENTS FOR SELECTED STATES.— The requirements applicable to States selected under paragraph (8) pursuant to subparagraph (C) of such paragraph shall apply in the same manner to States selected under this paragraph.";

(C) in subsection (e), by amending paragraph (4) to read as follows:

"(4) STATE.— The term State means each of the 50 States, the District of Columbia, Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa."; and

(D) in subsection (f)(1)—

(i) in subparagraph (A), by striking "; and" and inserting a semicolon;

(ii) in subparagraph (B), by striking the period and inserting ", and \$40,000,000 for fiscal year 2022; and"; and

(iii) by adding at the end the following new subparagraph:

"(C) for purposes of updating the criteria under subsection (a) as needed for certified community behavioral health clinics and carrying out subsections (c)(3), (d)(7), and (d)(9) (including the provision of technical assistance to States applying for planning grants under subsection (c)(3), and to conduct demonstration projects under subsection (d)(9)), \$5,000,000 for fiscal year 2022."

(2) EXCLUSION OF AMOUNTS ATTRIBUTABLE TO INCREASED FMAP FROM TERRITORIAL CAPS.— Section 1108 of the Social Security Act (42 U.S.C. 1308) is amended—

(A) in subsection (f), in the matter preceding paragraph (1), by striking "subsections (g) and (h)" and inserting "subsections (g), (h), and (i)"; and

(B) by adding at the end the following:

"(i) EXCLUSION FROM CAPS OF AMOUNTS ATTRIBUTABLE TO ENHANCED FMAP FOR COMMUNITY MENTAL HEALTH SERVICES.— Any additional amount paid to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for expenditures for medical assistance that is attributable to an enhanced Federal medical assistance percentage applicable to such expenditures under section 223(d)(5) of the Protecting Access to Medicare Act of 2014 shall not be taken into account for purposes of applying payment limits under subsections (f) and (g)."

(b) MAKING PERMANENT A STATE OPTION TO PROVIDE QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.— Section 1947 of the Social Security Act (42 U.S.C. 1396w-6) is amended—

(1) in subsection (a), by striking "during the 5-year period";

(2) in subsection (c), by striking "occurring during the period described in subsection (a) that a State" and inserting "in which a State provides medical assistance for qualifying community-based mobile crisis intervention services under this section and"; and

(3) in subsection (d)(2)—

(A) in subparagraph (A), by striking "for the fiscal year preceding the first fiscal quarter occurring during the period described in subsection (a)" and inserting "for the fiscal year preceding the first fiscal quarter in which the State provides medical assistance for qualifying community-based mobile crisis intervention services under this section"; and

(B) in subparagraph (B), by striking "occurring during the period described in subsection (a)" and inserting "occurring during a fiscal quarter".

Sec. 30723. Extension of 100 percent Federal medical assistance percentage for Urban Indian Health Organizations and Native Hawaiian Health Care Systems

The third sentence of section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) is amended—

(1) by striking "for the 8 fiscal year quarters beginning with the first fiscal year quarter beginning after the date of the enactment of the American Rescue Plan Act of 2021" and inserting "for the 16-quarter period that begins on April 1, 2021"; and

(2) by striking "such 8 fiscal year quarters" and inserting "such 16-quarter period".

Sec 30724 Adjustments to uncompensated care pools and disproportionate share hospital payments

(a) ADJUSTMENTS TO UNCOMPENSATED CARE POOLS.—

Section 1903 of the Social Security Act (42 U.S.C. 1396b) is amended by adding at the end the following new subsection:

"(cc) EXCLUDING EXPENDITURES FOR EXPANSION POPULATION FROM ASSISTANCE UNDER WAIVERS RELATING TO UNCOMPENSATED CARE.— With respect to a State with a State plan (or waiver of such plan) that does not provide, with respect to a fiscal year (beginning with fiscal year 2023), to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), in the case of any experimental, pilot, or demonstration project undertaken under section 1115(a), with respect to such State and fiscal year, that provides for Federal assistance with respect to payments for expenditures associated with uncompensated care that is furnished for low-income individuals, uninsured individuals, or underinsured individuals, such project shall exclude from the determination of such expenditures any care that is furnished with respect to such fiscal year to individuals described in section 1902(a)(10)(A)(i)(VIII)."

(b) ADJUSTMENTS TO DISPROPORTIONATE SHARE HOSPITAL PAYMENTS.— Section 1923(f) of the Social Security Act (42 U.S.C. 1396r-4(f)) is amended—

(1) in paragraph (3)(A), by striking "paragraphs (6), (7), and (8)" and inserting "paragraphs (6), (7), (8), and (10)";

(2) in paragraph (6)(A)(vi), by inserting "(except paragraph (10))" before ", any other provision of law";

(3) in paragraph (7)(A), by inserting "without regard to the allotment cap under paragraph (10)," before "the Secretary"; and

(4) by adding at the end the following new paragraph:

"(10) ALLOTMENT CAP FOR NON-EXPANSION STATES.—

"(A) IN GENERAL.— For fiscal year 2023 and each subsequent fiscal year

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"(i) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, does not provide to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), the DSH allotment for such State for such fiscal year is equal to 87.5 percent of the DSH allotment that would (without application of paragraphs (6), (7), (8), or this paragraph) be determined under this subsection for the State for fiscal year 2023;

"(ii) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, is revised to not include the providing to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), the DSH allotment for such State for such fiscal year is equal to the product of—

"(I) 87.5 percent of the DSH allotment that would (without application of paragraphs (6), (7), (8), or this paragraph) be determined under this subsection for the State for fiscal year 2023; and

"(II) expressed as a percentage, the number of days of a fiscal year during which such State plan (or waiver of such plan) includes, with respect to a fiscal year, the providing to such individuals such benchmark coverage or such benchmark equivalent coverage; or

"(iii) in the case of a State with a State plan (or waiver of such plan) that, with respect to such fiscal year, is revised to include the providing to all individuals described in section 1902(a)(10)(A)(i)(VIII) benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in section 1937(b)(2), the DSH allotment for such State for such fiscal year is equal to the DSH allotment that would (without application of paragraphs (6), (7), (8), or this paragraph) be determined under this subsection for the State for fiscal year 2023.

"(B) NO APPLICATION ON DSH ALLOTMENT FOR FISCAL YEARS AFTER EXPANSION.— The DSH allotments determined under subparagraph (A) for a State for a fiscal year shall not be taken into account in determining DSH allotments under this subsection for such State for any fiscal year with respect to which such subparagraph does not apply to such State."

Sec. 30731. Increasing Medicaid cap amounts and the Federal medical assistance percentage for the territories

(a) CAP AMOUNT ADJUSTMENTS.— Section 1108(g)(2) of the Social Security Act (42 U.S.C. 1308(g)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i)—

(i) by striking "except as provided in clause (ii)" and inserting "for each of fiscal years 1999 through 2019"; and

(ii) by striking "and" at the end; and

(B) by adding at the end the following new clauses:

"(iii) for fiscal year 2022, \$3,600,000,000; and

"(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase, if any, in Medicaid spending under title XIX during the preceding year (as determined based on the most recent National Health Expenditure data with respect to such year), rounded to the nearest \$100,000;";

(1)

(2) in subparagraph (B)—

(A) in clause (i), by striking "except as provided in clause (ii)," and inserting "for each of fiscal years 1999 through 2019,";

(B) in clause (ii), by striking "and" at the end;

(C) by adding at the end the following:

"(iv) for fiscal year 2022, \$135,000,000; and

"(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest \$10,000,";

(3) in subparagraph (C)—

(A) in clause (i), by striking "except as provided in clause (ii)," and inserting "for each of fiscal years 1999 through 2019,";

(B) in clause (ii), by striking "and" at the end;

(C) by adding at the end the following:

"(iv) for fiscal year 2022, \$140,000,000; and

"(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest \$10,000,";

(4) in subparagraph (D)—

(A) in clause (i), by striking "except as provided in clause (ii)," and inserting "for each of fiscal years 1999 through 2019,";

(B) in clause (ii), by striking "and" at the end;

(C) in clause (iii), by striking "and" at the end; and

(D) by adding at the end the following new clauses:

"(iv) for fiscal year 2022, \$70,000,000; and

"(v) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest \$10,000; and";

(5) in subparagraph (E)—

(A) in clause (i), by striking "except as provided in clause (ii)," and inserting "for each of fiscal years 1999 through 2019,";

(B) in clause (ii), by striking "and" at the end;

(C) in clause (iii), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

"(iv) for fiscal year 2022, \$90,000,000; and

"(v) for fiscal year ⁽¹⁾2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by

the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest \$10,000."; and

(6) by striking the flush matter following subparagraph (E).

(b) FMAP ADJUSTMENTS.— Section 1905(ff) of the Social Security Act (42 U.S.C. 1396d(ff)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(2) by striking "Notwithstanding" and inserting the following:

"(1) IN GENERAL.— Notwithstanding";

(3) in paragraph (1), as so inserted—

(A) in the matter preceding subparagraph (A), as so redesignated, by inserting "paragraph (2) and" after "subject to";

(B) in subparagraph (B), as so redesignated—

(i) by striking "December 3, 2021," and inserting "September 30, 2021";
and

(ii) by striking "and" at the end;

(C) in subparagraph (C), as so redesignated, by striking "December 3, 2021," and inserting "September 30, 2021";

(D) by adding at the end the following:

"(D) for fiscal year 2022 and each subsequent fiscal year, the Federal medical assistance percentage for the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 83 percent;

"(E) for fiscal year 2022, the Federal medical assistance percentage for Puerto Rico shall be equal to 76 percent; and

"(E) for fiscal year 2023 and each subsequent fiscal year, the Federal medical assistance percentage for Puerto Rico shall be equal to 83 percent.";
and

(4) by adding at the end the following new paragraph:

"(2) SPECIAL RULE FOR PUERTO RICO RELATING TO ESTABLISHING A PAYMENT FLOOR.—

"(A) IN GENERAL.— For each fiscal quarter (beginning with the first fiscal quarter beginning on or after the date of the enactment of this paragraph), Puerto Rico's State plan (or waiver of such plan) shall establish a reimbursement floor, implemented through a directed payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1848(b) that is not less than 70 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal quarter.

"(B) APPLICATION TO MANAGED CARE.—⁽¹⁾ In determining whether Puerto Rico has established a reimbursement floor under a directed payment

arrangement plan that satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during fiscal year 2022 or a subsequent fiscal year—

"(i) the Secretary shall disregard payments made under sub-capitated arrangements for services such as primary care case management; and

"(ii) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during a year in which the contract is entered into or renewed, such reimbursement floor shall be deemed to satisfy such requirements for each subsequent fiscal quarter occurring during such year and for each fiscal quarter occurring during the subsequent fiscal year.

"(C) FMAP REDUCTION FOR FAILURE TO ESTABLISH PAYMENT FLOOR.—

"(i) IN GENERAL.— In the case that the Secretary determines that Puerto Rico has failed to meet the requirement of subparagraph (A) with respect to a fiscal quarter, the Federal medical assistance percentage otherwise determined under this subsection for Puerto Rico shall be reduced for such quarter by the applicable number of percentage points described in clause (ii).

"(ii) APPLICABLE NUMBER OF PERCENTAGE POINTS.— For purposes of clause (i), the applicable number of percentage points described in this clause is, with respect to a fiscal quarter, the following:

"(I) In the case no reduction was made under this subparagraph for the preceding fiscal quarter, 0.5 percentage points.

"(II) In the case a reduction was made under this subparagraph for the preceding fiscal quarter, the number of percentage points of such reduction for such preceding fiscal quarter, plus 0.25 percentage points, except that in no case may the application of this subclause result in a reduction of more than 5 percentage points."

Sec. 30741. Encouraging continued access after the end of the public health emergency

Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note), as amended by section 30721(c), is further amended—

(1) by redesignating the second subsection (d) added by section 11 of division X of Public Law 116–260 as subsection (e); and

(2) by adding at the end the following new subsection:

"(g) ENCOURAGING CONTINUED ACCESS AFTER THE END OF THE PUBLIC HEALTH EMERGENCY.—

(I)

"(1) IN GENERAL.— Subject to paragraph (2), if, between September 1, 2022 and December 31, 2025, a State puts into effect for any calendar quarter occurring during such period eligibility standards for individuals (except individuals described in subparagraph (D) of section 1902(e)(14)) who are applying for or receiving medical assistance, methodologies, or procedures under the State plan of such State under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) (including any waiver under such title or section 1115 of such Act (42 U.S.C. 1315)) that are more restrictive than the eligibility standards, methodologies, or procedures, respectively, under the State plan (or waiver of such plan) that are in effect on October 1, 2021, the Federal medical assistance percentage otherwise determined under section 1905(b) of the Social Security Act (42 U.S.C. 1396d(b)) for that State shall be reduced by 3.1 percentage points for such calendar quarter.

"(2) NONAPPLICATION.— During the period described in paragraph (1), at the option of the a State, the condition under such paragraph may not apply to the State with respect to nonpregnant, nondisabled adults who are eligible for medical assistance under the State plan (or waiver such plan) whose income exceeds 133 percent of the poverty line (as defined in section 2110(c)(5)) applicable to a family of the size involved if, on or after December 31, 2010, the State had certified or certifies to the Secretary that, with respect to the State fiscal year during which the certification is made, the State has a budget deficit, or with respect to the succeeding State fiscal year, the State is projected to have a budget deficit. Upon submission of such a certification to the Secretary, the condition under paragraph (1) shall not apply to the State with respect to any remaining portion of the period described in the preceding sentence."

Sec. 30742. Ensuring accurate payments to pharmacies under Medicaid

(a) IN GENERAL.— Section 1927(f) of the Social Security Act (42 U.S.C. 1396r-8(f)) is amended—

(1) by striking "and" after the semicolon at the end of paragraph (1)(A)(i) and all that precedes it through "(1)" and inserting the following:

"(1) DETERMINING PHARMACY ACTUAL ACQUISITION COSTS.— The Secretary shall conduct a survey of retail community pharmacy drug prices, to determine the national average drug acquisition cost, as follows:

"(A) USE OF VENDOR.— The Secretary may contract services for—

"(i) with respect to retail community pharmacies, the determination of retail survey prices of the national average drug acquisition cost for covered outpatient drugs based on a monthly survey of such pharmacies, net of all discounts and rebates (to the extent any information with respect to such discounts and rebates is available), the average reimbursement received for such drugs by such pharmacies

from all sources of payment and, to the extent available, the usual and customary charges to consumers for such drugs; and";

(2) by adding at the end of paragraph (1) the following:

"(F) SURVEY REPORTING.— A State shall require that any retail community pharmacy in the State that receives any payment, reimbursement, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title or title XXI, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity or other specified entity (as such terms are defined in section 1903(m)(9)(D)), shall respond to surveys of retail prices conducted under this subsection with the specific information requested by the vendor.

"(G) SURVEY INFORMATION.— Information on retail community actual acquisition prices obtained under this paragraph shall be made publicly available and shall include at least the following:

"(i) The monthly response rate of the survey, including a list of pharmacies not in compliance with subparagraph (F) and the identification numbers for such pharmacies.

"(ii) The sampling frame and number of pharmacies sampled monthly.

"(iii) Characteristics of reporting pharmacies, including type (such as independent or chain), geographic or regional location, and dispensing volume.

"(iv) Reporting of a separate national average drug acquisition cost for each drug for independent retail pharmacies and chain pharmacies.

"(v) Information on price concessions including on and off invoice discounts, rebates, and other price concessions.

"(vi) Information on average professional dispensing fees paid.

"(H) PENALTIES.—

"(i) FAILURE TO PROVIDE TIMELY INFORMATION.— A retail community pharmacy that knowingly fails to respond to a survey conducted under this subsection on a timely basis may be subject to a civil monetary penalty in an amount not to exceed \$10,000 for each day in which such information has not been provided. A retail community pharmacy shall not be subject to such penalty if the pharmacy makes a good faith effort to provide the information requested by the survey on a timely basis.

"(ii) FALSE INFORMATION.— A retail community pharmacy that knowingly provides false information in response to a survey conducted under this subsection may be subject to a civil money penalty in an amount not to exceed \$100,000 for each item of false information.

"(iii) OTHER PENALTIES.— Any civil money penalties imposed under this subparagraph shall be in addition to other penalties as may be prescribed by law. The provisions of section 1128A (other than subsections (a) and (b)) shall apply to a civil money penalty under this subparagraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a)."; and

(3) in paragraph (4), by inserting ", and \$7,000,000 for fiscal year 2023 and each fiscal year thereafter," after "2010".

(b) CONDITION FOR FEDERAL FINANCIAL PARTICIPATION.— Section 1903(i)(10) of the Social Security Act (42 U.S.C. 1396b(i)(10)) is amended—

(1) in subparagraph (D), by striking "and" after the semicolon;

(2) in subparagraph (E), by striking "or" after the semicolon and inserting "and"; and

(3) by inserting after subparagraph (E), the following new subparagraph:

"(F) with respect to any amount expended for reimbursement to a retail community pharmacy under this title unless the State requires the retail community pharmacy to respond to surveys of retail prices conducted under section 1927(f) in accordance with paragraph (1)(F) of such section; or".

(c) EFFECTIVE DATE.— The amendments made by this section take effect on the 1st day of the 1st quarter that begins on or after the date that is 18 months after the date of enactment of this Act.

Sec. 30743. Further increase in FMAP for Medical Assistance for Newly Eligible Mandatory Individuals

Section 1905(y)(1) of the Social Security Act (42 U.S.C. 1396d(y)(1)) is amended—

(1) in subparagraph (D), by striking at the end "and";

(2) in subparagraph (E), by striking "2020 and each year thereafter." and inserting "2020, 2021, and 2022; and"; and

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

"(F) 93 percent for calendar quarters in 2023, 2024, and 2025; and

"(G) 90 percent for calendar quarters in 2026 and each year thereafter.".

Subtitle HG— Children's Health Insurance Program

Sec. 30801. Investments to strengthen CHIP

(a) PERMANENT EXTENSION OF CHILDREN'S HEALTH INSURANCE PROGRAM.—

(a) IN GENERAL.— Section 2104(a)(28) of the Social Security Act (42 U.S.C. 1397dd(a)(28)) is amended to read as follows:

"(28) for fiscal year 2027 and each subsequent year, such sums as are necessary to fund allotments to States under subsection (m)."

(b2) ALLOTMENTS.—

(4A) IN GENERAL.— Section 2104(m) of the Social Security Act (42 U.S.C. 1397dd(m)) is amended—

(A) in paragraph (2)(B)(i), by striking ",, 2023, and 2027" and inserting "and 2023";

(B) in paragraph (5)—

(i) by striking "(10), or (11)" and inserting "or (10)";

(ii) by striking "for a fiscal year" and inserting "for a fiscal year before 2027"; and

(iii) by striking "2023, or 2027" and inserting "or 2023";

(C) in paragraph (7)—

(i) in subparagraph (A), by striking "and ending with fiscal year 2027,"; and

(ii) in the flush left matter at the end, by striking "or fiscal year 2026" and inserting "fiscal year 2026, or a subsequent even-numbered fiscal year";

(D) in paragraph (9)—

(i) by striking "(10), or (11)" and inserting "or (10)"; and

(ii) by striking "2023, or 2027," and inserting "or 2023"; and

(E) by striking paragraph (11).

(2B) CONFORMING AMENDMENT.— Section 50101(b)(2) of the Bipartisan Budget Act of 2018 (Public Law 115–123) is repealed.

(b) OTHER RELATED CHIP POLICIES.—

(1) PEDIATRIC QUALITY MEASURES PROGRAM.— *Section 1139A(i)(1) of the Social Security Act (42 U.S.C. 1320b–9a(i)(1)) is amended—*

(A) in subparagraph (C), by striking at the end "and";

(B) in subparagraph (D), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following new subparagraphs:

"(E) for fiscal year 2028, \$15,000,000 for the purpose of carrying out this section (other than subsections (e), (f), and (g)); and

"(F) for each subsequent fiscal year, the amount appropriated under this paragraph for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average, as published by the Bureau of Labor Statistics) rounded to the nearest \$100,000 over such previous fiscal year, for the purpose of carrying out this section (other than subsections (e), (f), and (g))."

(2) ASSURANCE OF ELIGIBILITY STANDARDS FOR CHILDREN.— Section 2105(d)(3) of the Social Security Act (42 U.S.C. 1397ee(d)(3)) is amended—

(A) in the paragraph heading, by striking "through September 30, 2027"; and

(B) in subparagraph (A)—

(i) in the matter preceding clause (i)—

(I) by striking "During the period that begins on the date of enactment of the Patient Protection and Affordable Care Act and ends on September 30, 2027" and inserting "Beginning on the date of the enactment of the Patient Protection and Affordable Care Act";

(II) by striking "During the period that begins on October 1, 2019, and ends on September 30, 2027" and inserting "Beginning on October 1, 2019"; and

(III) by striking "The preceding sentences shall not be construed as preventing a State during any such periods from" and inserting "The preceding sentences shall not be construed as preventing a State from";

(ii) in clause (I), by striking the semicolon at the end and inserting a period;

(iii) by striking clauses (ii) and (iii); and

(iv) as amended by subclause (I)(cc), by striking "as preventing a State from" and all that follows through "applying eligibility standards" and inserting "as preventing a State from applying eligibility standards".

(3) QUALIFYING STATES OPTION.— Section 2105(g)(4) of the Social Security Act (42 U.S.C. 1397ee(g)(4)) is amended—

(A) in the paragraph heading, by striking "for fiscal years 2009 through 2027" and inserting "after fiscal year 2008"; and

(B) in subparagraph (A), by striking "for any of fiscal years 2009 through 2027" and inserting "for any fiscal year after fiscal year 2008".

(4) OUTREACH AND ENROLLMENT PROGRAM.— Section 2113 of the Social Security Act (42 U.S.C. 1397mm) is amended—

(A) in subsection (a)—

(i) in paragraph (1), by striking "during the period of fiscal years 2009 through 2027" and inserting ", beginning with fiscal year 2009,";

(ii) in paragraph (2)—

(I) by striking "10 percent of such amounts" and inserting "10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated"; and

(II) by striking "during such period" and inserting ", during such period or such fiscal year,"; and

(iii) in paragraph (3), by striking "For the period of fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts" and inserting

"Beginning with fiscal year 2024, an amount equal to 10 percent of such amounts for the period or the fiscal year for which such amounts are appropriated"; and

(B) in subsection (g)—

(i) by striking "2017," and inserting "2017,";

(ii) by striking "and \$48,000,000" and inserting "\$48,000,000"; and

(iii) by inserting after "through 2027" the following: ", \$60,000,000 for fiscal years 2028, 2029, and 2030, and for each 3 fiscal years after fiscal year 2030, the amount appropriated under this subsection for the previous fiscal year, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average, as published by the Bureau of Labor Statistics) rounded to the nearest \$100,000 over such previous fiscal year".

(5) CHILD ENROLLMENT CONTINGENCY FUND.— Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—

(A) in paragraph (2)—

(i) in subparagraph (A)(ii)—

(I) by striking "2024 through 2026" and inserting "beginning with fiscal year 2024"; and

(II) by striking "2023, and 2027" and inserting "and 2023"; and

(ii) in subparagraph (B)—

(I) by striking "2024 through 2026" and inserting "beginning with fiscal year 2024"; and

(II) by striking "2023, and 2027" and inserting "and 2023"; and

(B) in paragraph (3)(A)—

(i) by striking "fiscal years 2024 through 2026" and inserting "fiscal year 2024 or any subsequent fiscal year"; and

(ii) by striking "2023, or 2027" and inserting "or 2023".

(c) CHIP DRUG REBATES.—

(1) IN GENERAL.— Section 2107 of the Social Security Act (42 U.S.C. 1397gg), as amended by section 30721(b)(2), is further amended—

(A) in subsection (e)(1) by adding at the end the following new subparagraph:

"(V) Beginning January 1, 2024, section 1927 (relating to covered outpatient drugs), in accordance with subsection (h) of this section, with respect to covered outpatient drugs (as defined in section 1927) for which child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1)) is provided under the State child health plan, including such drugs dispensed to individuals enrolled with a managed care organization that meets the requirements of subpart L of part 457 of title 42,

Code of Federal Regulations (or a successor regulation) if the organization is responsible for coverage of such drugs. "; and

(B) by adding at the end the following new subsection:

"(h) DRUG REBATES.— For purposes of subsection (e)(1)(U), in applying section 1927—

"(1) the Secretary shall take such actions as are necessary and develop or adapt such processes and mechanisms as are necessary, including to report and collect data to bill and track rebates under section 1927, as applied pursuant to subsection (e)(1)(V) for covered outpatient drugs (as defined in such section 1927) for which child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1)) is provided under the State child health plan;

"(2) the requirements of such section 1927 shall apply to any drug or biological product described in paragraph (1)(A) of section 1905(ee) that is—

"(A) furnished as child health assistance or pregnancy-related assistance under the State child health plan; and

"(B) a covered outpatient drug (as defined in section 1927(k), except that, in applying paragraph (2)(A) of such section to a drug described in such paragraph (1)(A) of such section 1905(ee), such drug shall be deemed 'a prescribed drug for purposes of subsection (a)(12));"; and

"(3) in order for payment to be available under section 2105 with respect to child health assistance or pregnancy-related assistance for covered outpatient drugs of a manufacturer, the manufacturer must have entered into and have in effect a single rebate agreement to—

"(A) provide rebates under section 1927 to a State Medicaid program under title XIX as well as a State program under this title; and

"(B) provide such rebates to a State program under this title in the same form and manner as the manufacturer is required to provide rebates under an agreement described in section 1927(b) to a State Medicaid program under title XIX.

Nothing in this subsection or subsection (e)(1)(V) shall be construed as limiting Federal financial participation for prescription drugs and biological products that do not satisfy the definition of a covered outpatient drug and for which there is not a rebate agreement in effect."

(2) DRUG REBATE CONFORMING AMENDMENT.— Section 1927(a)(1) of the Social Security Act (42 U.S.C. 1396r–8(a)(1)) is amended in the first sentence—

(A) by striking "or under part B of title XVIII" and inserting ", under part B of title XVIII, or, beginning with the first full calendar quarter with respect to which section 2107(e)(1)(V) applies, under section 2105 with respect to child health assistance or pregnancy-related assistance under title XXI";

(B) by striking "a rebate agreement described in subsection (b)" and inserting "a single rebate agreement described in subsection (b) with respect to payment under section 1903(a) and, beginning January 1, 2024, title XXI,"; and

(C) by inserting "and including as such subsection (b) is applied pursuant to subsections (e)(1)(V) and (h) of section 2107 with respect to child health assistance and pregnancy-related assistance under a State child health plan under title XXI," before ", and must meet".

(3) NON-DUPLICATION OF REBATES CONFORMING AMENDMENT.— Section 340B(a)(5)(A) of the Public Health Service Act (42 U.S.C. 256b(a)(5)(A)) is amended—

(A) in clause (i), by inserting before the period the following: "and shall not request payment under title XXI of such Act for child health assistance or pregnancy-related assistance (as defined in section 2112(d)(1) of such Act) under a State child health plan under title XXI of such Act with respect to a drug that is subject to an agreement under this section if the drug is subject to the payment of a rebate to the State under section 1927 of such Act, as applied pursuant to subsections (e)(1)(V) and (h) of section 2107 of such Act"; and

(B) in clause (ii), by inserting ", including as applied pursuant to subsections (e)(1)(V) and (h) of section 2107 of such Act," after "the requirements of section 1927(a)(5)(C) of the Social Security Act".

(4) EXCLUSION OF REBATES FROM BEST PRICE CONFORMING AMENDMENT.— Section 1927(c)(1)(C)(i) of the Social Security Act (42 U.S.C. 1396r-8(c)(1)(C)(i)) is amended—

(A) in subclause (V), by striking "and" at the end;

(B) in subclause (VI), by striking the period and inserting "; and"; and

(C) by adding at the end the following new subclause:

"(VII) any rebates paid pursuant to section 2107(e)(1)(V)."

(d) STATE OPTION TO EXPAND CHILDREN'S ELIGIBILITY FOR MEDICAID AND CHIP.—

(1) IN GENERAL.— Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397jj(b)(1)(B)(ii)) is amended—

(A) in subclause (II), by striking "or" at the end;

(B) in subclause (III), by striking "and" at the end and inserting "or"; and

(C) by inserting after subclause (III) the following new subclause:

"(IV) at the option of the State, whose family income exceeds the maximum income level otherwise established for children under the State child health plan as of the date of the enactment of this subclause; and".

(2) TREATMENT OF TERRITORIES.— Section 2104(m)(7) of the Social Security Act (42 U.S.C. 1397dd(m)(7)) is amended—

(A) in the matter preceding subparagraph (A), by striking "the 50 States or the District of Columbia" and inserting "a State (including the District of Columbia and each commonwealth and territory)";

(B) in subparagraph (B)(ii), by striking "or District"; and

(C) in the matter following subparagraph (B), by striking each place it occurs "or District"

(3) REMOVAL OF SUNSET FOR INCREASES IN ALLOTMENTS.— Section 2107(a)(7)(A) of the Social Security Act (42 U.S.C. (a)(7)(A)) is amended by striking "and ending with fiscal year 2027,".

[NOTE-- MOVED /tIII/stL to /tIII/stH]

Subtitle ~~L~~H— Spectrum Auction Medicare Coverage of Hearing Services

[NOTE-- DELETED /tIII/stL/s31201: ~~Sec. 31201. Spectrum auctions and innovation~~]

[NOTE-- MOVED /tIII/stM to /tIII/stL]

Sec. 30901. Providing coverage for dental and oral health hearing care under the Medicare program

(a) Coverage.— ~~Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended— (1) in subparagraph (GG), by striking "and" after the semicolon at the end; (2) in subparagraph (HH), by striking the period at the end and adding "; and"; and (3) by adding at the end the following new subparagraph: "(II) dental and oral health services (as defined in subsection (III));"~~ PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS.—

~~(b) Dental and oral health services defined IN GENERAL.— Section 1861(II) of the Social Security Act (42 U.S.C. 1395x(II)) is amended by adding at the end the following new sub—~~

~~(A) in paragraph (3)—~~

~~(i) by insertion:ng "(III) Dental and oral health services.— "(1) In general.— The term 'dental and oral health services' means items and services (other than such items and services for which payment may be made under part A as inpatient hospital services) that are furnished during 2028 or a subsequent year, for which coverage was not provided under part B as of the date of the enactment of this subsection, and that are — "(A) the preventive and screening services described in paragraph (2) furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r) (2)) or an oral health professional (as defined in paragraph (4)); or "(B) the basic treatments specified for such year by the Secretary pursuant to paragraph (3)(A) and ~~the~~ major treatments specified for such year by the Secretary pursuant to paragraph (3)(B) furnished by such a doctor or such a professional. "(2) Preventive and screening services.— The preventive and~~

screening and, beginning January 1, 2024, such aural rehabilitation and treatment services)" after "assessment services";

(ii) by inserting ", and, beginning January 1, 2024, such hearing assessment services furnished by a qualified hearing aid professional," after "by a qualified audiologist"; and

(iii) by striking "the audiologist" and inserting "the audiologist or qualified hearing aid professional"; and

(B) in paragraph (4), by adding at the end the following new subparagraph:

"(C) The term 'qualified hearing aid professional' means, with respect to hearing assessment services described in this paragraph are the following: (3), an individual who—

"(A) Oral exams. "(B) Dental cleanings. "(C) Dental x-rays performed in the office of a doctor or professional described in paragraph (4)(A). "(D) Fluoride treatments. "(3) Basic and major treatments.— For 2028 and each subsequent year, the Secretary shall specify —"(A) basic treatments (which may include basic tooth restorations, basic periodontal services, tooth extractions,is licensed as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

"(ii) meets such other requirements as the Secretary determines appropriate, taking into account any additional requirements for hearing aid specialists, hearing and oral disease management services); and "(B) major treatments (which may include major tooth restorations, major periodontal services, bridges, crowns, and root canals); that shall be included as dental and oral health services for such year. "(4) Oral health professional.— The term 'oral health professional' means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described dispensers, and hearing instrument dispensers established by Medicare Advantage organizations under part C, State plans (or waivers of such plans) under title XIX, and the group health plans and health insurance issuers (as such terms are defined in subsection (2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which 2791 of the Public Health Services are furnished Act)."

(e2) PAYMENT; COINSURANCE; AND LIMITATIONS.— (1) IN GENERAL FOR QUALIFIED HEARING AID PROFESSIONALS.— Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by section 305413910(b), is further amended—

(A) in subparagraph (N), by inserting "and dental and oral health services (as defined in section 1861(III))" after "section 1861(hhh)(1)"; (B) by striking "and" before "(EE)"; and (I)

~~(E)~~ by inserting before the semicolon at the end the following: "and (FF) with respect to dental and oral health hearing assessment services (as defined in paragraph (3) of section 1861(III)), the amount paid shall be the payment amount specified under section 1834(z)". (2) Payment and limits specified. — Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection: "(z) Payment and limits for dental and oral health services. — "(1) In general. — The payment amount under this part for dental and oral health services (as defined in section 1861(III)) shall be, subject to paragraph (3), the applicable percent (specified in paragraph (2)) furnished by a qualified hearing aid professional (as defined in paragraph (4)(C) of such section), the amounts paid shall be equal to 80 percent of the lesser of — "(A) the actual charge for the such service; or "(B) the amount 85 percent of the amount for such services determined under the payment basis determined under section 1848 for the service, or, in lieu of such amount, if determined appropriate by the Secretary, an amount specified by the Secretary for such service under a fee schedule determined appropriate by the Secretary, taking into account fee schedules for such services — "(i) under the TRICARE program under chapter 55 of title 10 of the United States Code; "(ii) under the health insurance program under chapter 89 of title 5 of such Code; "(iii) under State plans (or waivers of such plans) under title XIX; "(iv) under Medicare Advantage plans under part C; "(v) established by the Secretary of Veterans Affairs; and "(vi) established by other health care payers. "(2) Applicable percent. — For purposes of paragraph (1), the applicable percent specified in this paragraph is, with respect to dental and oral health services (as defined in section 1861(III)) furnished in a year —"

(b) COVERAGE OF HEARING AIDS. —

(1) INCLUSION OF HEARING AIDS AS PROSTHETIC DEVICES. — Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended by inserting ", and including hearing aids (as described in section 1834(h)(7)) furnished on or after January 1, 2024, to individuals diagnosed with profound or severe hearing loss" before the semicolon at the end.

(2) PAYMENT LIMITATIONS FOR HEARING AIDS. — Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraphs:

"(A) that are preventive and screening services described in paragraph (2) or basic treatments specified for such year pursuant to paragraph (3)(A) of such section, 80 percent; and "(B) that are major ~~t~~PAYMENT ONLY ON AN ASSIGNMENT-RELATED BASIS. — Payment for hearing aids for which payment may be made under this part may be made only on an assignment-related treatments specified for such year pursuant to paragraph (3)(B) of such section — "(i) in the case such services are furnished during 2028, 10 percent; "(ii) in the case ~~such~~ed basis. The provisions of section 1842(b)(18)(B) shall apply to hearing aids in the same manner as they apply to services are furnished during 2029 or a subsequent year

~~before 2032, the applicable percent specified under this subparagraph for the previous year, increased by 10 percentage points; and "(iii) in the case such services are furnished during 2032 or a subsequent year, 50 percent. "(3) Limitations.— With respect to dental and oral health services that are— "(A) preventive and screening oral exams, payment may be made under this part for by a practitioner described in subsection (b)(18)(C).~~

"(7) LIMITATIONS FOR HEARING AIDS.— Payment may be made under this part with respect to an individual, with respect to hearing aids furnished on or after January 1, 2024—

"(A) not more than two such exams once per ear during a 12-month 5-year period;

"(B) dental cleanings, payment may be made under this part for not more than two such cleanings during a 12-month period; and "(C) not described in subparagraph (A) or (B), payment may be made under this part only at such frequencies and under such circumstances only for types of such hearing aids that are not over-the-counter hearing aids (as defined in section 520(g)(1) of the Federal Food, Drug, and Cosmetic Act) and that are determined appropriate by the Secretary; and

"(4C) Use of bundled payments.— The Secretary may make payment only if furnished pursuant to a written or dentures and associated professional services, and for any other dental and oral health services, as bundled payments as the Secretary determines appropriate. "(5) Limitation on judicial review.— There shall be no administr of a physician, qualified audiologist (as defined in section 1861(l)(4)), qualified hearing aid professional (as so defined), physician assistant, nurse practice or judicial review undertioner, or clinical nurse spection 1869 or otherwise of— "(A) the determination of payment amounts under this subsection for dental and oral health services and under subsection (h)(6) or subsection (z)(4) for dentures; "(B) the determination of what services are basic and major services under subialist."

(3) APPLICATION OF COMPETITIVE ACQUISITION.—

(A) IN GENERAL.— Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

(i) in the header, by inserting "and hearing aids" after "orthotics";

(ii) by inserting ", or of hearing aids described in paragraphs (A) and (B2) (D) of such section 1861(l)(3); or "(C) the determination of the frequency and circumstance limitations for dental and oral health services under paragraph (3)(C);" after "2011,"; and

(iii) in clause (i), by inserting "or such hearing aids" after "such orthotics".

(dB) Payment under physician fee schedule CONFORMING AMENDMENT.—

(4i) IN GENERAL.—

Section 1848~~(j)(a)(32)~~ of the Social Security Act (42 U.S.C. 1395w-4~~(j)(a)(32)~~) is amended by inserting "~~(2)(II),~~" before "~~(3)~~". (2) Exclusion from MIPS.—Section 1848~~(q)(1)(C)(ii)~~ of the Social Security Act (42 U.S.C. 1395w-4~~(q)(1)(C)(ii)~~) is amended— (A) in subclause (II), by striking "or" at the end; (B) in subclause (III), by striking the period at the end and inserting "; or"; and (C) by adding at the end the following new subclause: "(IV) with respect to 2028 and each subsequent year, is a doctor of dental surgery or of dental medicine (as described in section 1861~~(r)(2)~~) or is an oral health professional (as defined in section 1861~~(III)(4)~~)". (3) Inclusion of oral health professionals as certain practitioners.—Section 1842~~(b)(18)(C)~~ of the Social Security Act (42 U.S.C. 1395u~~(b)(18)(C)~~) is amended by adding at the end the following new clause: "(vii) With respect to 2028 and each subsequent year, an oral health professional (as defined in section 1861~~(III)(4)~~)". (e) Dentures.— (1) In general.—Section 1861~~(s)(8)~~ of the Social Security Act (42 U.S.C. 1395x~~(s)(8)~~) is amended— (A) by striking "(other than dental)"; and (B) by inserting "and excluding dental, except for a full or partial set of dentures (as described in section 1834~~(h)(6)~~) furnished on or after January 1, 2028" after "colostomy care". (2) Special payment rules.— (A) Limitations.—Section 1834~~(h)~~ of the Social Security Act (42 U.S.C. 1395m~~(h)~~) is amended by adding at the end the following new paragraph: "(6) Special payment rule for dentures.— Payment may be made under this part with respect to an individual for dentures— "(A) not more than once during any 5-year period (except in the case that a doctor described in section 1861~~(III)(1)(A)~~ determines such dentures do not fit the individual); and "(B) only to the extent that such dentures are furnished pursuant to a written order of such a doctor or professional.". (B) Application of competitive acquisition.— (i) In general.—Section 1834~~(h)(1)(H)~~ of the Social Security Act (42 U.S.C. 1395m~~(h)(1)(H)~~) is amended— (I) in the subparagraph heading, by inserting ", dentures" after "orthotics"; (II) by inserting ", of dentures described in paragraph (2)(D) of such section," after "2011,"; and (III) in clause (i), by inserting ", such dentures" after "orthotics". (ii) Conforming amendment.—Section 1847~~(a)(2)~~ of the Social Security Act (42 U.S.C. 1395w-3~~(a)(2)~~) is amended by adding at the end the following new subparagraph: "(D) Dentures.— Dentures described in section 1861~~(s)(8)~~ for which payment would otherwise be made under section 1834~~(h)~~". (iii) Exemption of certain items from competitive acquisition.—Section 1847~~(a)(7)~~ of the Social Security Act (42 U.S.C. 1395w-3~~(a)(7)~~) is amended by adding at the end the following new subparagraph: "(C) Certain dentures.— Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service.". (f) Exclusion modifications.—Section 1862~~(a)~~ of the Social Security Act (42 U.S.C. 1395y~~(a)~~) is amended— (1) in paragraph (1)— (A) in subparagraph (O), by striking "and" at the end; (B) in subparagraph (P), by striking the semicolon at

~~the end and inserting "; and"; and (C) by adding at the end the following new subparagraph: "(Q) in the case of dental and oral health services (as defined in section 1861(III)) that are preventive and screening services described in paragraph (2) of such section, which are furnished more frequently than provided under section 1834(z)(3) or under circumstances other than circumstances determined appropriate under subparagraph (C) of such section;"; and (2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment may be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II) and for dentures under section 1861(s)(8)". (g) Certain non-application.— (1) In general.— Paragraphs (1) and (4) of section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) are amended by adding at the end of each such paragraphs the following: "In applying this paragraph there shall not be taken into account benefits and administrative costs attributable to the amendments made by section 30901 (other than subsection (g)) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' and the Government contribution under section 1844(a)(5)". (2) Payment.— Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended— (A) in paragraph (4), by striking the period at the end and inserting "; plus"; (B) by adding at the end the following new paragraph: "(5) a Government contribution equal to the amount that is estimated to be payable for benefits and related administrative costs incurred that are attributable to the amendments made by section 30901 (other than subsection (g)) of the Act titled 'An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14' ."; and (C) in the flush matter at the end, by striking "paragraph (4)" and inserting "paragraphs (4) and (5)". (h) Implementation.— (1) Funding.— (A) In general.— In addition to amounts otherwise available, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of— (i) \$20,000,000 for each of fiscal years 2022 through 2028 for purposes of implementing the amendments made by this section; and (ii) such sums as determined appropriate by the Secretary for each subsequent fiscal year for purposes of administering the provisions of such amendments. (B) Availability and additional use of funds.— Funds transferred pursuant to subparagraph (A) shall remain available until expended and may be used, in addition to the purpose specified in subparagraph (A)(i), to implement the amendments made by sections 30902 and 30903. (2) Administration.— The Secretary may implement, by program instruction or otherwise, any of the provisions of, or amendments made by, this section. (3) Paperwork Reduction Act.— Chapter 35 of title 44, United States Code, shall not apply to the provisions of, or the amendments made by, this section~~
~~adding at the end the following new~~
subparagraph:

"(D) HEARING AIDS.— Hearing aids described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h)."

(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.— Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–3(a)(7)) is amended by adding at the end the following new subparagraph:

"(C) CERTAIN HEARING AIDS.— Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service."

(4) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS CERTAIN PRACTITIONERS TO RECEIVE PAYMENT ON AN ASSIGNMENT-RELATED BASIS.— Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)), is amended by adding at the end the following new clauses:

"(vii) Beginning January 1, 2024, a qualified audiologist (as defined in section 1861(l)(4)(B))."

"(viii) A qualified hearing aid professional (as defined in section 1861(l)(4)(C))."

(c) EXCLUSION MODIFICATION.— Section 1862(a)(7) of the Social Security Act (42 U.S.C. 1395y(a)(7)) is amended by inserting "(except such hearing aids or examinations therefor as described in and otherwise allowed under section 1861(s)(8))" after "hearing aids or examinations therefor".

(d) INCLUSION AS EXCEPTED MEDICAL TREATMENT.— Section 1821(b)(5)(A) of the Social Security Act (42 U.S.C. 1395i–5(b)(5)(A)) is amended—

(1) in clause (i), by striking "or";

(2) in clause (ii), by striking the period and inserting ", or"; and

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

"(iii) consisting of items or services described in section 1861(l)(3) that are payable under part B as a result of the amendments made by An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14."

(e) RURAL HEALTH CLINICS AND FEDERALLY QUALIFIED HEALTH CENTERS.—

(1) CLARIFYING COVERAGE OF AUDIOLOGY SERVICES AS PHYSICIANS' SERVICES.— Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting "(including audiology services (as defined in subsection (l)(3)))" after "physicians' services".

(2) INCLUSION OF QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS RHC AND FQHC PRACTITIONERS.— Section 1861(aa)(1)(B) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting "or by a qualified audiologist or a qualified hearing aid professional (as such terms are defined in subsection (l)),." after "(as defined in subsection (hh)(1))."

(3) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC PPS.—

(A) AIR.— Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(i) in subsection (a)(3)(A), by inserting "(which shall, in the case of audiology services (as defined in section 1861(l)(3)), in lieu of any limits on reasonable charges otherwise applicable, be based on the rates payable for such services under the payment basis determined under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise apply such limits)" after "may prescribe in regulations"; and

(ii) by adding at the end the following new subsection:

"(ee) DISREGARD OF COSTS ATTRIBUTABLE TO CERTAIN SERVICES FROM CALCULATION OF RHC AIR.— Payments for rural health clinic services other than audiology services (as defined in section 1861(l)(3)) under the methodology for all-inclusive rates (established by the Secretary) under subsection (a)(3) shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848."

(B) PPS.—

Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraph:

"(5) TEMPORARY PAYMENT RATES BASED ON PFS FOR CERTAIN SERVICES.— The Secretary shall, in establishing payment rates for audiology services (as defined in section 1861(l)(3)) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under section 1848 until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system. Payments for Federally qualified health center services other than such audiology services under such system shall not take into account the costs of such services while rates for such services are based on rates payable for such services under the payment basis established under section 1848."

(f) IMPLEMENTATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$370,000,000, to remain available until expended, for purposes of implementing the amendments made by this section during the period beginning on January 1, 2022, and ending on September 30, 2031.

[NOTE - DELETED /tll/stl/s30902: Sec. 30902. Providing coverage for hearing care under the Medicare program]

[NOTE-- DELETED /tIII/stI/s30903: ~~Sec. 30903. Providing coverage for vision care under the Medicare program~~]

[NOTE-- MOVED /tIII/stJ to /tIII/stI]

Subtitle ~~J~~I— Public ~~h~~eHealth

Part 1— Health care infrastructure and workforce

Part 2— Pandemic preparedness

Part 3—~~Innovation~~ Part 4— Maternal mortality

Part ~~5~~4— Other public health investments

Part 5— Native Hawaiian Provisions

Section 31001. Funding to support core public health infrastructure for State, territorial, local, and Tribal health departments at the Centers for Disease Control and Prevention

(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (in this subtitle referred to as the "Secretary"), acting through the Director of the Centers for Disease Control and Prevention (in this section referred to as the "Director"), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, ~~\$7,000,000,000~~, and to remain available until expended, ~~to~~—

(1) for the purposes of carrying out, acting through the Director of the Centers for Disease Control and Prevention (in this section referred to as the "Director"), activities described in subsection (b) subsection (c)(1)(A)—

(A) \$200,000,000 in fiscal year 2022;

(B) \$300,000,000 in fiscal year 2023; and

(C) \$1,000,000,000 in each of fiscal years 2024 through 2026;

(2) for the purposes of carrying out subsection (c)(1)(B)—

(A) \$100,000,000 in fiscal year 2022;

(B) \$150,000,000 in fiscal year 2023; and

(C) \$500,000,000 in each of fiscal years 2024 through 2026; and

(3) for the purposes of carrying out subsection (d)—

(A) \$100,000,000 in fiscal year 2022;

(B) \$150,000,000 in fiscal year 2023; and

(C) \$500,000,000 in each of fiscal years 2024 through 2026.

(b) USE OF FUNDS.— Amounts made available pursuant to subsection (a) shall be used to support core public health infrastructure activities to strengthen the public health system of the United States, including by awarding grants under this section and expanding and improving activities of the Centers for Disease Control and Prevention under subsections (c) and (d).

(c) GRANTS.—

(1) AWARDS.— For the purpose of addressing core public health infrastructure needs, the Secretary shall award—

(A) a grant to each State or territorial health department, and to local health departments that serve counties with a population of at least 2,000,000 or cities with a population of at least 400,000 people; and

(B) grants on a competitive basis to State, territorial, local, or Tribal health departments.

~~(2) Allocation.— Of the total amount of funds awarded as grants under this subsection for a fiscal year— (A) not less than 50 percent shall be for grants to health departments under paragraph (1)(A); and (B) not less than 25 percent shall be for grants to State, local, territorial, or Tribal health departments under paragraph (1)(B).~~

~~(3) REQUIRED USES.—~~

~~(A) REALLOCATION TO LOCAL HEALTH DEPARTMENTS.— A State health department receiving funds under subparagraph (A) or (B) of paragraph (1) shall allocate at least 25 percent of the such funds to local health departments, as applicable, within the State to support contributions of the local health departments to core public health infrastructure.~~

~~(B) PROGRESS IN MEETING ACCREDITATION STANDARDS.— A health department receiving funds under this section that is not accredited shall report to the Secretary on an annual basis how the department is working to meet accreditation standards.~~

~~(4) FORMULA GRANTS TO HEALTH DEPARTMENTS.— In awarding grants under paragraph (1), the Secretary shall award funds to each health department in accordance with a formula which considers population size, the Social Vulnerability Index of the Centers for Disease Control and Prevention, and other factors as determined by the Secretary.~~

~~(5) COMPETITIVE GRANTS TO STATE, TERRITORIAL, LOCAL, AND TRIBAL HEALTH DEPARTMENTS.— In making grants under paragraph (1)(B), the Secretary shall give priority to applicants demonstrating core public health infrastructure needs for all public health agencies in the applicant's jurisdiction.~~

~~(6) PERMITTED USES.—~~

~~(A) IN GENERAL.— The Secretary may make available a subset of the funds available for grants under paragraph (1) for purposes of awarding grants to State, territorial, local, and Tribal health departments for planning or to support public health accreditation.~~