

~~"(c) PAYMENTS.—~~

~~"(1) IN GENERAL.— Except as provided in paragraph (3) and subsection (d), the Secretary shall collect a payment for a performance year in accordance with this subsection from each eligible electricity supplier that does not have a certified clean electricity percentage for that performance year that is increased by at least 4 percentage points above the greater of—~~

~~"(A) the highest certified clean electricity percentage of the eligible electricity supplier from any year prior to that performance year; or~~

~~"(B) the baseline clean electricity percentage of the eligible electricity supplier.~~

~~"(2) PAYMENT CALCULATION.— For each eligible electricity supplier, the payment described in paragraph (1) shall be equal to the dollar amount that is the product obtained by multiplying—~~

~~"(A) \$40; and~~

~~"(B) the quantity of megawatt-hours that represents the percentage of the total electricity load of the eligible electricity supplier for the performance year that is represented by the number that equals the sum of—~~

~~"(i) 4; plus~~

~~"(ii) the number that is equal to—~~

~~"(I) the greater of—~~

~~"(aa) the highest certified clean electricity percentage of the eligible electricity supplier for any year prior to that performance year; or~~

~~"(bb) the baseline clean electricity percentage of the eligible electricity supplier; minus~~

~~"(II) the certified clean electricity percentage of the eligible electricity supplier for that performance year.~~

~~"(3) EXCEPTION.— The Secretary shall not collect a payment for a performance year from an eligible electricity supplier that has a certified clean electricity percentage for that performance year that is 85 percent or greater, subject to the condition that the certified clean electricity percentage of the eligible electricity supplier for that performance year is not less than the certified clean electricity percentage of the eligible electricity supplier for the year prior to that performance year.~~

~~"(4) DEADLINE.— The Secretary shall collect a payment under this section from an eligible electricity supplier not later than 6 months after the date on which the eligible electricity supplier submits the applicable certification under subsection (e)(1)(A)(i).~~

~~"(5) RESTRICTION.— An eligible electricity supplier may not recover the cost of a payment submitted under this section from any person other than the shareholders or owners of the eligible electricity supplier.~~

~~"(d) DEFERRAL OF GRANTS AND PAYMENTS.—~~

~~"(1) IN GENERAL.— Subject to paragraph (2), with respect to any of calendar years 2023 through 2029, an eligible electricity supplier may elect to defer a grant or a payment~~

for the calendar year, and shall notify the Secretary of such election at such time and in such form as the Secretary requires.

~~"(2) LIMITATION.— An eligible electricity supplier may not make an election described in paragraph (1) for a calendar year if the eligible electricity supplier made that election for the preceding 2 calendar years.~~

~~"(3) GRANT OR PAYMENT FOLLOWING DEFERRAL.—~~

~~"(A) ELIGIBILITY.— An eligible electricity supplier making an election under this subsection shall be eligible for a grant, or shall submit a payment, for a performance year following a deferred year based on whether its certified clean electricity percentage increased, on average, by 4 or more percentage points in that performance year and each consecutive deferred year immediately preceding that performance year.~~

~~"(B) AMOUNTS.— The amount of a grant or payment pursuant to this subsection shall be based on the calculations set forth in subsections (b) and (c), respectively, adjusted to account for the performance year and each deferred year.~~

~~"(e) REQUIREMENTS.—~~

~~"(1) CONDITIONS.— In each of calendar years 2024 through 2031, each eligible electricity supplier—~~

~~"(A) shall submit to the Secretary, by a date determined by the Secretary (but not later than June 1)—~~

~~"(i) a performance certification for the preceding calendar year, using such methods and subject to such audit provisions as the Secretary determines appropriate, of—~~

~~"(I) the total electricity load of the eligible electricity supplier in such preceding calendar year;~~

~~"(II) the quantity of megawatt-hours of qualified clean electricity that the eligible electricity supplier claims for such preceding calendar year for purposes of this section; and~~

~~"(III) the percentage of the total electricity load certified under subclause (I) that is qualified clean electricity claimed under subclause (II);~~

~~"(ii) a written assurance that the eligible electricity supplier will promptly report to any applicable commission, board, or governance body that regulates the eligible electricity supplier any grant received or payment submitted by the eligible electricity supplier under this section; and~~

~~"(iii) a compliance certification that the eligible electricity supplier has complied, with respect to each grant received or payment submitted by the eligible electricity supplier under this section, as applicable, with—~~

~~"(I) all written assurances submitted under this section;~~

~~"(II) the requirements of paragraph (3); and~~

~~"(III) requirements established by the Secretary to ensure the financial integrity of grants issued and payments collected under this section; and~~

~~"(B) may not receive a grant under this section for a performance year unless the eligible electricity supplier—~~

~~"(i) complies with subparagraph (A) with respect to that performance year; and~~

~~"(ii) submits to the Secretary, for that performance year, a written assurance in accordance with section 803(b)(3) of the Energy Independence and Security Act (42 U.S.C. 17282(b)(3)) (for purposes of which any reference to a grant under that section shall be considered to be a reference to a grant under this section);~~

~~"(2) BASELINE.— Each eligible electricity supplier, including each new eligible electricity supplier, shall provide sufficient information to the Secretary, as determined by the Secretary, to establish its baseline clean electricity percentage.~~

~~"(3) USE OF FUNDS.— An eligible electricity supplier shall use a grant received under this section exclusively for the benefit of the ratepayers of the eligible electricity supplier, including direct bill assistance to ratepayers, investments in qualified clean electricity and energy efficiency, and worker retention.~~

~~"(f) DEFINITIONS.— In this section:~~

~~"(1) BASELINE CLEAN ELECTRICITY PERCENTAGE.—~~

~~"(A) IN GENERAL.— Except as provided in subparagraph (B), the term 'baseline clean electricity percentage' means, with respect to an eligible electricity supplier, the average percentage of the total electricity load of the eligible electricity supplier for calendar years 2019 and 2020 that is represented by, as determined by the Secretary—~~

~~"(i) the average clean electricity percentage of the eligible electricity supplier for such calendar years; and~~

~~"(ii) a share of any unallocated qualified clean electricity for such calendar years.~~

~~"(B) NEW ELIGIBLE ELECTRICITY SUPPLIERS.— With respect to a new eligible electricity supplier, the term 'baseline clean electricity percentage' means the prevailing average clean electricity percentage of comparable eligible electricity suppliers in the area in which the new eligible electricity supplier provides end-use electricity customers with electricity, as determined by the Secretary.~~

~~"(2) CARBON DIOXIDE EQUIVALENT EMISSIONS.— The term 'carbon dioxide equivalent emissions' means, with respect to a greenhouse gas, the number of metric tons of carbon dioxide emissions with the same global warming potential over a 20-year period as 1 metric ton of emissions of the greenhouse gas, as determined by the Secretary, taking into consideration relevant methods and information described in assessment reports prepared by the Intergovernmental Panel on Climate Change.~~

~~"(3) CARBON INTENSITY.— The term 'carbon intensity' means the carbon dioxide equivalent emissions released into the atmosphere from the generation of 1 megawatt-hour of electricity by an electric generating unit, as determined by the Secretary.~~

~~"(4) CERTIFIED CLEAN ELECTRICITY PERCENTAGE.— The term 'certified clean electricity percentage' means, with respect to an eligible electricity supplier, the percentage certified by the eligible electricity supplier under subsection (e)(1)(A)(i)(III); which may only include qualified clean electricity with respect to which the eligible electricity supplier holds the exclusive rights to the qualifying attributes.~~

~~"(5) CLEAN ELECTRICITY PERCENTAGE.— The term 'clean electricity percentage' means, with respect to an eligible electricity supplier, the percentage of the total electricity load of the eligible electricity supplier that is qualified clean electricity, with respect to which the eligible electricity supplier holds the exclusive rights to the qualifying attributes.~~

~~"(6) ELIGIBLE ELECTRICITY SUPPLIER.— The term 'eligible electricity supplier' means, notwithstanding section 201(b)(1), any entity within the United States, including an entity described in section 201(f), that—~~

~~"(A) provides end-use electricity customers with electricity; and~~

~~"(B) is granted the authority or has an obligation pursuant to Federal, State, or local law or regulation to provide electricity to end-use electricity customers.~~

~~"(7) NEW ELIGIBLE ELECTRICITY SUPPLIER.— The term 'new eligible electricity supplier' means an eligible electricity supplier that did not provide electricity to end-use electricity customers in both of calendar years 2019 and 2020.~~

~~"(8) PERFORMANCE YEAR.— The term 'performance year' means the calendar year for which a certification was submitted under subsection (e)(1)(A)(i).~~

~~"(9) QUALIFIED CLEAN ELECTRICITY.— The term 'qualified clean electricity' means electricity generated by an electric generating unit, or technology type or class thereof, that has a carbon intensity that is not more than 0.10.~~

~~"(10) SECRETARY.— The term 'Secretary' means the Secretary of Energy.~~

~~"(11) TOTAL ELECTRICITY LOAD.— The term 'total electricity load' means, with respect to an eligible electricity supplier, the total quantity, in megawatt-hours, of electricity provided by the eligible electricity supplier to end-use electricity customers in a calendar year."~~

*** Sec. 30444. State energy plans**

~~(a) APPROPRIATION.—~~

~~Section 365(f) of the Energy Policy and Conservation Act (42 U.S.C. 6325(f)) is amended to read as follows:~~

~~"(f) 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, \$500,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), to carry out section 367."~~

~~(b) STATE ENERGY TRANSPORTATION PLANS.—~~

~~(1) IN GENERAL.— The Energy Policy and Conservation Act is amended by adding after section 366 (42 U.S.C. 6326) the following:~~

~~"Sec. 367. State energy transportation plans~~

~~"(a) IN GENERAL.— The Secretary may provide financial assistance and technical assistance to a State to develop a State energy transportation plan, for inclusion in a State energy conservation plan under section 362(d), to promote the electrification of the transportation system, reduced consumption of fossil fuels, and reduced energy demand.~~

~~"(b) DEVELOPMENT.— A State developing a State energy transportation plan under this section shall carry out this activity through the State energy office that is responsible for developing the State energy conservation plan under section 362.~~

~~"(c) CONTENTS.— A State developing a State energy transportation plan under this section shall include in such plan a plan to—~~

~~"(1) deploy a network of electric vehicle supply equipment to ensure access to electricity for electric vehicles, including commercial vehicles, to an extent that such electric vehicles can travel throughout the State without running out of a charge; and~~

~~"(2) promote modernization of the electric grid, including through the use of renewable energy sources to power the electric grid, to accommodate demand for power to operate electric vehicle supply equipment and to utilize energy storage capacity provided by electric vehicles, including commercial vehicles.~~

~~"(d) TECHNICAL ASSISTANCE.— Upon request of the Governor of a State, the Secretary shall provide information and technical assistance in the development, implementation, or revision of a State energy transportation plan.~~

~~"(e) ELECTRIC VEHICLE SUPPLY EQUIPMENT DEFINED.— For purposes of this section, 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) CONFORMING AMENDMENT.— The table of contents for part D of title III of the Energy Policy and Conservation Act is amended by adding at the end the following:~~

~~"Sec. 367. State energy transportation plans."~~

~~(c) STATE ENERGY CONSERVATION PLANS.— Section 362(d) of the Energy Policy and Conservation Act (42 U.S.C. 6322(d)) is amended—~~

~~(1) in paragraph (16), by striking "; and" and inserting a semicolon;~~

~~(2) by redesignating paragraph (17) as paragraph (18); and~~

~~(3) by inserting after paragraph (16) the following:~~

~~"(17) a State energy transportation plan developed in accordance with section 367; and"~~

*** Sec. 30445. Transportation electrification**

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

~~appropriated, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031)—~~

~~(1) \$4,000,000,000 for grants under section 131(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(b)); and~~

~~(2) \$6,000,000,000 for grants under subsection (b) of this section.~~

~~(b) USE OF FUNDS.—The Secretary may use amounts made available under subsection (a)(2) of this section to—~~

~~(1) provide grants under subsection (c) of section 131 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011) for the conduct of qualified electric transportation projects (as defined in such section 131); and~~

~~(2) provide grants in accordance with section 131(c) of such Act for the conduct of any of the following projects:~~

~~(A) Installation of electric vehicle supply equipment for recharging plug-in electric drive vehicles, including such equipment that is accessible in rural and urban areas and in underserved or disadvantaged communities and such equipment for medium- and heavy-duty vehicles, including at depots and in-route locations.~~

~~(B) Multi-use charging hubs used for multiple forms of transportation.~~

~~(C) Medium- and heavy-duty vehicle smart charging management and refueling.~~

~~(D) Battery recycling and secondary use, including for medium- and heavy-duty vehicles.~~

~~(E) Shipside or shoreside electrification for ground support equipment at ports.~~

~~(F) Electric airport ground support vehicles.~~

~~(G) Sharing of best practices, and technical assistance provided by the Department of Energy to public utilities commissions and utilities, for medium- and heavy-duty vehicle electrification.~~

~~(c) PRIORITY.—In making grants under section 131(b) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17011(b)) using amounts made available under subsection (a) (1) of this section, in addition to the priority considerations described in paragraph (3) of such section 131(b), the Secretary shall give priority consideration to applications that are likely to make a significant contribution to the advancement of the production of the components and charging equipment for the vehicles described in paragraph (1) of such section 131(b) in the United States.~~

*** ~~Sec. 30453. 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, \$1,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), for grants relating to domestic production of zero-emission vehicles under section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).~~

~~(1) ADMINISTRATIVE COSTS.—⁽¹⁾The Secretary shall reserve 2 percent of amounts made available under subsection (a) for administrative costs of making grants described in such~~

subsection (a) pursuant to section 712 of the Energy Policy Act of 2005 (42 U.S.C. 16062).

*** ~~Sec. 30305. Grants to reduce lead in school drinking water~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$700,000,000, to remain available until expended, for grants under sections 1464 and 1465 of the Safe Drinking Water Act (42 U.S.C. 300j-24 and 300j-25), of which—~~

~~(1) \$420,000,000 shall be for grants for the installation and maintenance of lead filtration stations at schools and child care programs;~~

~~(2) \$150,000,000 shall be for grants under section 1464(d); and~~

~~(3) \$50,000,000 shall be for grants under section 1465(b)(1) to pay the costs of replacement of drinking water fountains in schools.~~

*** ~~Sec. 30306. Grants for Indian Reservation Drinking Water Infrastructure~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until expended, to implement eligible projects under section 2001 of America's Water Infrastructure Act of 2018 (42 U.S.C. 300j-3e note), notwithstanding the geographic limitations in that section.~~

*** ~~Sec. 30307. Assistance for Areas Affected by Natural Disasters~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until expended, for grants under section 2020 of America's Water Infrastructure Act of 2018 (42 U.S.C. 300j-12 note), of which, notwithstanding subsection (a)(2) of such section, \$10,000,000 shall be available to make grants to Guam, the Virgin Islands, American Samoa, and the Northern Mariana Islands for the purposes of providing assistance to eligible systems to restore or increase compliance with national primary drinking water regulations in an underserved area.~~

*** ~~Sec. 30481. Federal Energy Efficiency Fund~~**

~~(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, \$17,500,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to provide grants to agencies to assist them in meeting the requirements of section 543 of the National Energy Conservation Policy Act (42 U.S.C. 8253) or to assist agencies in reducing the carbon emissions of new or existing Federal buildings and Federal fleets.~~

~~(b) USE OF FUNDS.— The Secretary shall use the funds made available pursuant to subsection (a) to provide grants to agencies pursuant to section 546(b) of the National Energy Conservation Policy Act (42 U.S.C. 8256(b)), and to establish a program to provide competitive grants to agencies, to carry out projects for onsite or offsite measures that—~~

~~(i) are applied to or serve a Federal building or Federal fleet; and~~

~~(2) involve energy conservation, cogeneration facilities, renewable energy sources, low carbon materials, improvements in operations and maintenance efficiencies, retrofit activities, automotive supply equipment, building electrification, energy storage devices, energy consuming devices and required support structures, or carbon-pollution free electricity.~~

~~(e) CONSIDERATIONS.— In providing grants under subsection (b), the Secretary may consider—~~

~~(1) the cost-effectiveness of the project;~~

~~(2) the extent to which a project promotes the integration of clean energy, carbon pollution-free electricity, low carbon materials, automotive supply equipment, and such other onsite or offsite measures as the Secretary determines to be appropriate;~~

~~(3) the amount of energy and cost savings anticipated to the Federal Government;~~

~~(4) the amount of funding committed to the project by the agency requesting the grant;~~

~~(5) the extent that a proposal leverages financing from other non-Federal sources; and~~

~~(6) any other factor which the Secretary determines is in furtherance of this section.~~

~~(d) DEFINITIONS.— In this section:~~

~~(1) AUTOMOTIVE SUPPLY EQUIPMENT.— The term "automotive 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, 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) LOW CARBON MATERIAL.— The term "low carbon material" means any material for which the quantity of greenhouse gases (measured in kilograms of carbon dioxide equivalent) emitted to the atmosphere by the manufacture, transportation, installation, maintenance, and disposal of the material is significantly lower than such quantity for another, similar material, as measured and reported in an environmental product declaration.~~

*** Sec. 30482. Energy efficiency and conservation block grants**

~~(a) 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, \$5,000,000,000, to remain available until September 30, 2031 (except that no funds shall be disbursed after September 30, 2031), to carry out the Energy Efficiency and Conservation Block Grant Program established under section 542(a) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(a)), of which—~~

~~(1) \$2,500,000,000 shall be distributed in accordance with section 543 of such Act (42 U.S.C. 17153); and~~ (1)

~~(2) \$2,500,000,000 shall be awarded to eligible entities on a competitive basis.~~

~~(b) PROGRAM.— In carrying out subsection (a), in addition to providing assistance described in section 542(b)(1) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17152(b)(1)), the Secretary may also provide assistance to eligible entities for implementing strategies to reduce fossil fuel emissions created as a result of activities within the jurisdictions of eligible entities in a manner that diversifies energy supplies, including by facilitating and promoting the use of alternative fuels.~~

~~(c) USE OF FUNDS.— In carrying out subsection (a), for purposes of section 544 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17154), the Secretary may also consider to be activities that achieve the purposes of the Energy Efficiency and Conservation Block Grant Program—~~

~~(1) the deployment of energy distribution technologies that significantly increase energy efficiency or expand access to alternative fuels, including distributed resources, district heating and cooling systems, and infrastructure for delivering alternative fuels; and~~

~~(2) programs for financing energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) capital investments, projects, and programs~~

~~(A) which may include loan programs and performance contracting programs for leveraging of additional public and private sector funds, and programs that allow rebates, grants, or other incentives for the purchase and installation of energy efficiency, renewable energy, and zero-emission transportation (and associated infrastructure) measures; or~~

~~(B) which may be used or implemented in connection with buildings owned and operated by a State, a political subdivision of a State, an agency or instrumentality of a State, or an organization exempt from taxation under section 501(c)(3) of the Internal Revenue Code of 1986 (26 U.S.C. 501(c)(3)).~~

~~(d) COMPETITIVE GRANTS.— In carrying out subsection (a), for purposes of section 546(c) (2) of the Energy Independence and Security Act of 2007 (42 U.S.C. 17156(c)(2)), the Secretary may give priority to units of local government that plan to carry out projects to expand the use of alternative fuels that would result in significant energy efficiency improvements or reductions in fossil fuel use.~~

~~(e) ADMINISTRATIVE EXPENSES.— Of the amount made available under subsection (a), the Secretary shall reserve 10 percent for administrative expenses to carry out this section.~~

~~(f) TECHNICAL AMENDMENTS.— Section 543 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17153) is amended—~~

~~(1) in subsection (c), by striking "subsection (a)(2)" and inserting "subsection (a)(3)"; and~~

~~(2) in subsection (d), by striking "subsection (a)(3)" and inserting "subsection (a)(4)".~~

*** Sec. 30483. Low-income solar**

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

~~otherwise appropriated, \$2,500,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to carry out this section:~~

~~(b) IN GENERAL.— The Secretary shall use funds appropriated by subsection (a) to provide financial assistance to eligible entities to—~~

- ~~(1) carry out eligible planning projects; or~~
- ~~(2) carry out eligible installation projects.~~

~~(c) APPLICATIONS.—~~

~~(1) IN GENERAL.— To be eligible to receive assistance 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.~~

~~(2) INCLUSION FOR INSTALLATION ASSISTANCE.— For an eligible entity to receive assistance for an eligible installation project, the Secretary shall require the eligible entity to include in an application under paragraph (1)—~~

~~(A) information that demonstrates that the eligible entity has obtained, or has the capacity to obtain, necessary permits, subscribers, access to an installation site, and any other items or agreements necessary to complete the installation of the applicable covered facility;~~

~~(B) information that demonstrates that the covered facility installed using such assistance will comply with local building and safety codes and standards;~~

~~(C) a description of the mechanism through which financial benefits will be distributed to beneficiaries or subscribers; and~~

~~(D) an estimate of the anticipated financial benefit for beneficiaries or subscribers.~~

~~(3) CONSIDERATION OF PLANNING PROJECTS.— The Secretary may consider the completion of an eligible planning project pursuant to subsection (b)(1) by the eligible entity to be sufficient to demonstrate the ability of the eligible entity to meet the requirements of paragraph (2)(A).~~

~~(d) SELECTION.—~~

~~(1) IN GENERAL.— In selecting eligible projects to receive assistance under this section, the Secretary shall—~~

~~(A) prioritize—~~

~~(i) eligible installation projects that will result in the most financial benefit for beneficiaries, as determined by the Secretary;~~

~~(ii) eligible installation projects that will result in development of covered facilities in underserved areas; and~~

~~(iii) eligible projects that include apprenticeship, job training, or community participation as part of their application; and~~

~~(B) ensure that such assistance is provided in a manner that results in eligible projects being carried out on a geographically diverse basis within and among States.~~

~~(2) DETERMINATION OF FINANCIAL BENEFIT.— In determining the amount of financial benefit for low-income households of an eligible installation project, the Secretary shall ensure that all calculations for estimated household energy savings are based solely on electricity offsets from the applicable covered facility and use formulas established by the State or local government with jurisdiction over the applicable covered facility for verifiable household energy savings estimates that accrue to low-income households.~~

~~(e) ASSISTANCE.—~~

~~(1) FORM.— The Secretary may provide assistance under this section in the form of a grant, rebate, or low-interest loan.~~

~~(2) MULTIPLE PROJECTS FOR SAME FACILITY.—~~

~~(A) IN GENERAL.— An eligible entity may apply for assistance under this section for an eligible planning project and an eligible installation project for the same covered facility.~~

~~(B) SEPARATE SELECTIONS.— Selection by the Secretary for assistance under this section of an eligible planning project does not require the Secretary to select for assistance under this section an eligible installation project for the same covered facility.~~

~~(f) USE OF ASSISTANCE.—~~

~~(1) ELIGIBLE PLANNING PROJECTS.— An eligible entity receiving assistance for an eligible planning project under this section may use such assistance to pay the costs of pre-installation activities associated with an applicable covered facility, including—~~

~~(A) feasibility studies;~~

~~(B) permitting;~~

~~(C) site assessment;~~

~~(D) identification of beneficiaries or subscribers; or~~

~~(E) such other costs determined by the Secretary to be appropriate.~~

~~(2) ELIGIBLE INSTALLATION PROJECTS.— An eligible entity receiving assistance for an eligible installation project under this section may use such assistance to pay the costs of~~

~~(A) installation and operation of a covered facility, including costs associated with materials, permitting, labor, or site preparation;~~

~~(B) storage technology sited at a covered facility;~~

~~(C) interconnection service expenses;~~

~~(D) offsetting the cost of a subscription for a covered facility described in subsection (h)(4)(A) for subscribers that are members of a low-income household; or~~

~~(E) such other costs determined by the Secretary to be appropriate.~~

~~(g) USE OF FUNDS.— Of the funds appropriated by this section, the Secretary shall use not less than 25 percent to provide assistance for eligible installation projects.~~

~~(h) DEFINITIONS.— In this section:~~

~~(1) BENEFICIARY.— The term "beneficiary" means a low-income household that receives a financial benefit from the installation and operation of a covered facility.~~

~~(2) COMMUNITY SOLAR FACILITY.— The term "community solar facility" means a solar generating facility that—~~

~~(A) has multiple subscribers that receive financial benefits that are directly attributable to the facility; and~~

~~(B) has a nameplate rating of 5 megawatts AC or less.~~

~~(3) COMMUNITY SOLAR SUBSCRIPTION.— The term "community solar subscription" means a share in the capacity, or a proportional interest in the electricity generation, of a community solar facility.~~

~~(4) COVERED FACILITY.— The term "covered facility" means—~~

~~(A) a community solar facility at least 50 percent of the capacity of which is reserved for low-income households;~~

~~(B) a solar generating facility located at a residence of a low-income household; or~~

~~(C) a solar generating facility located at a multi-family affordable housing complex.~~

~~(5) ELIGIBLE ENTITY.— The term "eligible entity" means—~~

~~(A) a nonprofit organization that provides services to low-income households or multi-family affordable housing complexes;~~

~~(B) a developer, owner, or operator of a covered facility;~~

~~(C) a State, or political subdivision thereof;~~

~~(D) an Indian Tribe, tribally owned electric utility, or tribal energy development organization;~~

~~(E) a Native Hawaiian community-based organization;~~

~~(F) any other national or regional entity that has experience developing or installing solar generating facilities for low-income households that maximize financial benefits to those households; and~~

~~(G) an electric cooperative or a municipality that is an electric utility (as such terms are defined in section 3 of the Federal Power Act).~~

~~(6) ELIGIBLE INSTALLATION PROJECT.— The term "eligible installation project" means a project to install and operate a covered facility.~~

~~(7) ELIGIBLE PLANNING PROJECT.— The term "eligible planning project" means a project to carry out pre-installation activities for the development of a covered facility.~~

~~(8) ELIGIBLE PROJECT.— The term "eligible project" means—~~

~~(A) an eligible planning project; or~~

~~(B) an eligible installation project.~~

~~(9) FEASIBILITY STUDY.— The term "feasibility study" means a study or assessment that determines the feasibility of a specific solar generating facility, including a customer~~

interest assessment and a siting assessment, as determined by the Secretary.

~~(10) INDIAN TRIBE.— The term "Indian Tribe" means any Indian Tribe, band, nation, Tribal Organization, or other organized group or community, including any Alaska Native village, Regional Corporation, or Village Corporation, that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.~~

~~(11) INTERCONNECTION SERVICE.— The term "interconnection service" has the meaning given such term in section 111(d)(15) of the Public Utility Regulatory Policies Act of 1978 (16 U.S.C. 2621(d)(15)).~~

~~(12) LOW-INCOME HOUSEHOLD.— The term "low-income household" means a household with an income that—~~

~~(A) is at or below 80 percent of the area median income, or 200 percent of the Federal poverty level, whichever is higher, except that the Secretary may establish a higher level if the Secretary determines that such a higher level is necessary to carry out the purposes of this section; or~~

~~(B) if the State in which the household is located elects, is the basis for eligibility for assistance under the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.), provided that such basis is at least 200 percent of the Federal poverty level.~~

~~(13) MULTI-FAMILY AFFORDABLE HOUSING COMPLEX.— The term "multi-family affordable housing complex" means any federally subsidized affordable housing complex in which at least 50 percent of the units are reserved for low-income households.~~

~~(14) NATIVE HAWAIIAN COMMUNITY-BASED ORGANIZATION.— The term "Native Hawaiian community-based organization" means any organization that is composed primarily of Native Hawaiians from a specific community and that assists in the social, cultural, and educational development of Native Hawaiians in that community.~~

~~(15) SECRETARY.— The term "Secretary" means the Secretary of Energy.~~

~~(16) SOLAR GENERATING FACILITY.— The term "solar generating facility" means—~~

~~(A) a generator that creates electricity from photons; and~~

~~(B) the accompanying hardware enabling that electricity to flow—~~

~~(i) onto the electric grid;~~

~~(ii) into a facility or structure; or~~

~~(iii) into an energy storage device.~~

~~(17) STATE.— The term "State" means each of the 50 States, the District of Columbia, Guam, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the Virgin Islands, and American Samoa.~~

~~(18) SUBSCRIBER.— The term "subscriber" means a person who—~~

~~(A) owns a community solar subscription, or an equivalent unit or share of the capacity or generation of a community solar facility; or~~

~~(B) is a member of a low-income household that financially benefits from a community solar facility, even if the person does not own a community solar subscription for the facility.~~

~~(19) UNDERSERVED AREA.—The term "underserved area" means—~~

~~(A) a geographical area with low or no photovoltaic solar deployment, as determined by the Secretary;~~

~~(B) a geographical area that has low or no access to electricity, as determined by the Secretary;~~

~~(C) a geographical area with a high energy burden, as determined by the Secretary; or~~

~~(D) trust land, as defined in section 3765 of title 38, United States Code.~~

*** Sec. 30701. Closing the Medicaid coverage gap**

~~(a) FEDERAL MEDICAID PROGRAM TO CLOSE COVERAGE GAP IN NONEXPANSION STATES.—~~

~~Title XIX of the Social Security Act (42 U.S.C. 1396 et seq.) is amended by adding at the end the following new section:~~

~~"Sec. 1948. Federal Medicaid program to close coverage gap in nonexpansion States~~

~~"(a) ESTABLISHMENT.—Not later than January 1, 2025, the Secretary shall establish a program (in this section referred to as the 'Federal Medicaid program' or the 'Program' under which, in the case of a State that the Secretary determines (based on the State plan under this title, waiver of such plan, or other relevant information) is not expected to expend amounts under the State plan (or waiver of such plan) for all individuals who would be entitled to medical assistance pursuant to section 1902(a)(10)(A)(i)(VIII) during a year (beginning with 2025), (in this section defined as 'a coverage gap State', with respect to such year), the Secretary shall (including through contract with eligible entities (as specified by the Secretary), consistent with subsection (b)) provide for the offering to such individuals residing in such State of health benefits. The Federal Medicaid program shall be offered in a coverage gap State for each quarter during the period beginning on January 1 of such year, and ending with the last day of the first quarter during which the State provides medical assistance to all such individuals under the State plan (or waiver of such plan). Under the Federal Medicaid program, the Secretary—~~

~~"(1) may use the Federally Facilitated Marketplace to facilitate eligibility determinations and enrollments under the Federal Medicaid Program and shall establish a set of eligibility rules to be applied under the Program in a manner consistent with section 1902(e)(14);~~

~~"(2) shall establish benefits, beneficiary protections, and access to care standards by, at a minimum—~~

~~"(A) establishing a minimum set of health benefits to be provided (and providing such benefits) under the Federal Medicaid program, which shall be in compliance with the requirements of section 1937 and shall consist of benchmark coverage described in section 1937(b)(1) or benchmark equivalent coverage described in~~

~~section 1937(b)(2) to the same extent as medical assistance provided to such an individual under this title (without application of this section) is required under section 1902(k)(1) to consist of such benchmark coverage or benchmark equivalent coverage;~~

~~"(B) applying the provisions of sections 1902(a)(8), 1902(a)(34), and 1943 with respect to such an individual, health benefits under the Federal Medicaid program, and making application for such benefits in the same manner as such provisions would apply to such an individual, medical assistance under this title (other than pursuant to this section), and making application for such medical assistance under this title (other than pursuant to this section); and providing that redeterminations and appeals of eligibility and coverage determinations of items and services (including benefit reductions, terminations, and suspension) shall be conducted under the Federal Medicaid program in accordance with a Federal fair hearing process established by the Secretary that is subject to the same requirements as applied under section 1902(a)(3) with respect to redeterminations and appeals of eligibility, and with respect to coverage of items and services (including benefit reductions, terminations, and suspension), under a State plan under this title and that may provide for such fair hearings related to denials of eligibility (based on modified adjusted gross income eligibility determinations) to be conducted through the Federally Facilitated Marketplace for Exchanges;~~

~~"(C) applying, in accordance with subsection (d), the provisions of section 1927 (other than subparagraphs (B) and (C) of subsection (b)(1) of such section) with respect to the Secretary and payment under the Federal Medicaid program for covered outpatient drugs with respect to a rebate period in the same manner and to the same extent as such provisions apply with respect to a State and payment under the State plan for covered outpatient drugs with respect to the rebate period;~~

~~"(D) applying the provisions of sections 1902(a)(14), 1902(a)(23), 1902(a)(47), and 1920 through 1920C (as applicable) to the Federal Medicaid program and such individuals enrolled in and entitled to health benefits under such program in the same manner and to the same extent as such provisions apply to such individuals eligible for medical assistance under the State plan, and applying the provisions of section 1902(a)(30)(A) with respect to medical assistance available under the Federal Medicaid program in the same manner and to the same extent as such provisions apply to medical assistance under a State plan under this title, except that—~~

~~"(i) the Secretary shall provide that no cost sharing shall be applied under the Federal Medicaid program;~~

~~"(ii) the Secretary may waive the provisions of subparagraph (A) of section 1902(a)(23) to the extent deemed appropriate to facilitate the implementation of managed care;~~

~~"(iii) in applying the provisions of section 1902(a)(47) and sections 1920 through 1920C, the Secretary—~~

~~"(I) shall establish a single presumptive eligibility process for individuals eligible under the Federal Medicaid program, under which the Secretary may contract with entities to carry out such process; and~~

~~"(II) may apply such provisions and process in accordance with such phased-in implementation as the Secretary deems necessary, but beginning as soon as practicable); and~~

~~"(E) prohibiting payment from being available under the Federal Medicaid program for any item or service subject to a payment exclusion under this title or title XI.~~

~~"(b) ADMINISTRATION OF FEDERAL MEDICAID PROGRAM THROUGH CONTRACTS WITH MEDICAID-MANAGED CARE ORGANIZATION AND THIRD PARTY PLAN ADMINISTRATOR REQUIREMENTS.—~~

~~"(1) IN GENERAL.— For the purpose of providing medical assistance to individuals described in section 1902(a)(10)(A)(i)(VIII) enrolled under the Federal Medicaid program across all coverage gap geographic areas (as defined in paragraph (8)) in which such individuals reside, the Secretary shall solicit bids described in paragraph (2) and enter into contracts with a total of at least 2 eligible entities (as specified by the Secretary, which may be a medicaid managed care organization (in this section defined as a managed care organization described in section 1932(a)(1)(B)(i)), a third party plan administrator, or both). An eligible entity entering into a contract with the Secretary under this paragraph may administer such benefits as a medicaid managed care organization (as so defined), in which case such contract shall be in accordance with paragraph (3) with respect to such geographic area, or as a third-party administrator, in which case such contract shall be in accordance with paragraph (4) with respect to such geographic area. The Secretary may so contract with a Medicaid managed care organization or third party plan administrator in each coverage gap geographic area (and may specify which type of eligible entity may bid with respect to a coverage gap geographic area or areas) and may contract with more than one such eligible entity in the same coverage gap geographic area.~~

~~"(2) BIDS.—~~

~~"(A) IN GENERAL.— To be eligible to enter into a contract under this subsection, for a year, an entity shall submit (at such time, in such manner, and containing such information as specified by the Secretary) one or more bids to provide medical assistance under the Program in one or more coverage gap geographic areas, which are actuarially sound and reflect the projected monthly cost to the entity of providing medical assistance under the Program to an individual enrolled under the Program in such a geographic area (or areas) for such year.~~

~~"(B) SELECTION.— In selecting from bids submitted under subparagraph (A) for purposes of entering into contracts with eligible entities under this subsection, with respect to a coverage gap geographic area, the Secretary shall take into account at least each of the following, with respect to each such bid:~~

~~"(i) Network adequacy (as proposed in the submitted bid).~~

~~"(ii) The amount, duration, and scope of benefits (such as value-added services offered in the submitted bid), as compared to the minimum set of benefits established by the Secretary under subsection (a)(2)(A).~~

~~"(iii) The amount of the bid, taking into account the average per member cost of providing medical assistance under State plans under this title (or waivers of such plans) to individuals enrolled in such plans (or waivers) who are at least 18 years of age and residing in the coverage gap geographic area, as well as the average cost of providing medical assistance under State plans under this title (and waivers of such plans) to individuals described in section 1902(a)(10)(A)(i)(VIII).~~

~~"(iv) The organizational capacity of the entity, the experience of the entity with Medicaid managed care, the experience of the entity with Medicaid managed care for individuals described in section 1902(a)(10)(A)(i)(VIII), the performance of the entity (if available) on the adult core set quality measures in States that are not coverage gap States.~~

~~"(3) CONTRACT WITH MEDICAID MANAGED CARE ORGANIZATION.— In the case of a contract under paragraph (1) between the Secretary and an eligible entity administering benefits under the Program as a Medicaid managed care organization, with respect to one or more coverage gap geographic areas, the following shall apply:~~

~~"(A) The provisions of clauses (i) through (xi) of section 1903(m)(2)(A), clause (xii) of such section (to the extent such clause relates to subsections (b), (d), (f), and (i) of section 1932), and clause (xiii) of such section 1903(m)(2)(A) shall, to the greatest extent practicable, apply to the contract, to the Secretary, and to the Medicaid managed care organization, with respect to providing medical assistance under the Federal Medicaid program with respect to such area (or areas), in the same manner and to the same extent as such provisions apply to a contract under section 1903(m) between a State and an entity that is a Medicaid managed care organization (as defined in section 1903(m)(1)), to the State, and to the entity, with respect to providing medical assistance to individuals eligible for benefits under this title.~~

~~"(B) The provisions of section 1932(h) shall apply to the contract, Secretary, and Medicaid managed care organization.~~

~~"(C) The contract shall provide that the entity pay claims in a timely manner and in accordance with the provisions of section 1902(a)(37).~~

~~"(D) The contract shall provide that the Secretary shall make payments under this section to the entity, with respect to coverage of each individual enrolled under the Program in such a coverage gap geographic area with respect to which the entity administers the Program in an amount specified in the contract, subject to subparagraph (D)(ii) and paragraph (6).~~

~~"(E) The contract shall require—~~

~~"(i) the application of a minimum medical loss ratio (as calculated under subsection (d) of section 438.8 of title 42, Code of Federal Regulations (or any~~

~~successor regulation)) for payment for medical assistance administered by the managed care organization under the Program, with respect to a year, that is equal to or greater than 85 percent (or such higher percent as specified by the Secretary); and~~

~~"(ii) in the case, with respect to a year, the minimum medical loss ratio (as so calculated) for payment for services under the benefits so administered is less than 85 percent (or such higher percent as specified by the Secretary under clause (i)), remittance by the organization to the Secretary of any payments (or portions of payments) made to the organization under this section in an amount equal to the difference in payments for medical assistance, with respect to the year, resulting from the organization's failure to meet such ratio for such year.~~

~~"(F) The contract shall require that the eligible entity submit to the Secretary—~~

~~"(i) the number of individuals enrolled in the Program with respect to each coverage gap geographic area and month with respect to which the contract applies;~~

~~"(ii) encounter data (disaggregated by race, ethnicity, and age) with respect to each coverage gap geographic area and month with respect to which the contract applies; and~~

~~"(iii) such additional information as specified by the Secretary for purposes of payment, program integrity, oversight, quality measurement, or such other purpose specified by the Secretary.~~

~~"(G) The contract shall require that the eligible entity perform any other activity identified by the Secretary.~~

~~"(4) CONTRACT WITH A THIRD PARTY PLAN ADMINISTRATOR.—~~

~~"(A) IN GENERAL.— In the case of a contract under paragraph (1) between the Secretary and an eligible entity to administer the Program as a third party plan administrator, with respect to one or more coverage gap geographic areas, such contract shall provide that, with respect to medical assistance provided under the Federal Medicaid program to individuals who are enrolled in the Program with respect to such area (or areas) —~~

~~"(i) the third party plan administrator shall, consistent with such requirements as may be established by the Secretary—~~

~~"(I) establish provider networks, payment rates, and utilization management, consistent with the provisions of section 1902(a)(30)(A), as applied by subsection (a)(4) of this section;~~

~~"(II) pay claims in a timely manner and in accordance with the provisions of section 1902(a)(37);~~

~~"(III) submit to the Secretary—~~

~~"(aa) the number of individuals enrolled in the Program with respect to each coverage gap geographic area and month with respect to which the contract applies;~~

~~"(bb) encounter data (disaggregated by race, ethnicity, and age) with respect to each coverage gap geographic area and month with respect to which the contract applies; and~~

~~"(cc) such additional information as specified by the Secretary for purposes of payment, program integrity, oversight, quality measurement, or such other purpose specified by the Secretary; and~~

~~"(IV) perform any other activity identified by the Secretary;~~

~~"(ii) the Secretary shall make payments (for the claims submitted by the third party plan administrator and for an economic and efficient administrative fee) under this section to the third party plan administrator, with respect to coverage of each individual enrolled under the Program in a coverage gap geographic area with respect to which the third party plan administrator administers the Program in an amount determined under the contract, subject to subclause (VI)(bb) and paragraph (7); and~~

~~"(iii) the provisions of clause (xii) of section 1903(m)(2)(A) (to the extent such clause relates to subsections (b), (d), (f), and (i) of section 1932) shall, to the greatest extent practicable, apply to the contract, to the Secretary, and to the third party plan administrator, with respect to providing medical assistance under the Federal Medicaid program with respect to such area (or areas), in the same manner and to the same extent as such provisions apply to a contract under section 1903(m) between a State and an entity that is a medicaid managed care organization (as defined in section 1903(m)(1)), to the State, and to the entity, with respect to providing medical assistance to individuals eligible for benefits under this title~~

~~"(B) THIRD PARTY PLAN ADMINISTRATOR DEFINED.— For purposes of this section, the term 'third party plan administrator' means an entity that satisfies such requirements as established by the Secretary, which shall include at least that such an entity administers health plan benefits, pays claims under the plan, establishes provider networks, sets payment rates, and are not risk-bearing entities.~~

~~"(5) ADMINISTRATIVE AUTHORITY.— The Secretary may take such actions as are necessary to administer this subsection, including by setting network adequacy standards, establishing quality requirements, establishing reporting requirements, limiting administrative costs, and specifying any other program requirements or standards necessary in contracting with specified entities under this subsection, and overseeing such entities, with respect to the administration of the Federal Medicaid program.~~

~~"(6) PREEMPTION.— In carrying out the duties under a contract entered into under paragraph (1) between the Secretary and a Medicaid managed care organization or a third party plan administrator, with respect to a coverage gap State—~~

~~"(A) the Secretary may establish minimum standards and licensure requirements for such a Medicaid managed care organization or third party plan administrator for purposes of carrying out such duties; and~~

~~"(B) any provisions of law of that State which relate to the licensing of the organization or administrator and which prohibit the organization or administrator from providing coverage pursuant to a contract under this section shall be superseded.~~

~~"(7) PENALTIES.— In the case of an eligible entity with a contract under this section that fails to comply with the requirements of such entity pursuant to this section or such contract, the Secretary may withhold payment (or any portion of such payment) to such entity under this section in accordance with a process specified by the Secretary, impose a corrective action plan on such entity, terminate the contract, or impose a civil monetary penalty on such entity in an amount not to exceed \$10,000 for each such failure. In implementing this paragraph, the Secretary shall have the authorities provided the Secretary under section 1932(e) and subparts F and I of part 438 of title 42, Code of Federal Regulations.~~

~~"(8) COVERAGE GAP GEOGRAPHIC AREA.— For purposes of this section, the term 'coverage gap geographic area' means an area of one or more coverage gap States, as specified by the Secretary, or any area within such a State, as specified by the Secretary.~~

~~"(c) PERIODIC DATA MATCHING.— The Secretary shall, including through contract, periodically verify the income of an individual enrolled in the Federal Medicaid program for a year, before the end of such year, to determine if there has been any change in the individual's eligibility for benefits under the program. For purposes of the previous sentence, in the case that, pursuant to such verification, an individual is determined to have had a change in income that results in such individual no longer be included as an individual described in section 1902(a)(10)(A)(i)(VIII), the Secretary shall apply the same processes and protections as States are required under this title to apply with respect to an individual who is determined to have had a change in income that results in such individual no longer being included as eligible for medical assistance under this title (other than pursuant to this section).~~

~~"(d) DRUG REBATES.— For purposes of subsection (a)(2)(C), in applying section 1927, the Secretary shall (either directly or through contracts) —~~

~~"(1) require an eligible entity with a contract under subsection (b) to report the data required to be reported under section 1927(b)(2) by a State agency and require such entity to submit to the Secretary rebate data, utilization data, and any other information that would otherwise be required under section 1927 to be submitted to the Secretary by a State;~~

~~"(2) shall take such actions as are necessary and develop or adapt such processes and mechanisms as are necessary to report and collect data as is necessary and to bill and track rebates under section 1927, as applied pursuant to subsection (a)(2)(B) for drugs that are provided under the Federal Medicaid program;~~

~~"(3) provide that the coverage requirements of prescription drugs under the Federal Medicaid program comply with the coverage requirements under section 1927;~~

~~"(4) require that in order for payment to be available under the Federal Medicaid program, or under section 1903(a) for covered outpatient drugs of a manufacturer, the manufacturer must have entered into and have in effect a rebate agreement to provide~~

~~rebates under section 1927 to the Federal Medicaid program 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 this title;~~

~~"(5) require an eligible entity with a contract under subsection (b) to provide for a drug use review program described in subsection (g) of section 1927 in accordance with the requirements applicable to a State under such subsection (g) with respect to a drug use review program; and~~

~~"(6) adopt a mechanism to prevent the requirements of section 1927 from applying to covered outpatient drugs under the Federal Medicaid program pursuant to this subsection and subsection (a)(2)(C) if such drugs are subject to discounts under section 340B of the Public Health Service Act.~~

~~"(e) TRANSITIONS.—~~

~~"(1) FROM EXCHANGE PLANS ONTO FEDERAL MEDICAID PROGRAM.—The Secretary shall provide for a process under which, in the case of individuals entitled to medical assistance pursuant section 1902(a)(10)(A)(i)(VIII) who are enrolled in qualified health plans through an Exchange in a coverage gap State, the Secretary takes such steps as are necessary to transition such individuals to coverage under the Federal Medicaid program. Such process shall apply procedures described in section 1943(b)(1)(C) to screen for eligibility and enrollment under the Federal Medicaid program in the same manner as such procedures screen for eligibility and enrollment under qualified health plans through an Exchange established under title I of the Patient Protection and Affordable Care Act.~~

~~"(2) IN CASE COVERAGE GAP STATE BEGINS PROVIDING COVERAGE UNDER STATE PLAN.—The Secretary shall provide for a process for, in the case of a coverage gap State in which the State begins to provide medical assistance to individuals described in section 1902(a)(10)(A)(i)(VIII) under the State plan (or waiver of such plan) and the Federal Medicaid program ceases to be offered, transitioning individuals from such program to the State plan (or waiver), as eligible, including a process for transitioning all eligibility redeterminations.~~

~~"(3) AUTHORITY FOR PHASE-IN.—The Secretary may apply section 1902(a)(34), pursuant to subsection (a)(2)(B) of this section, in accordance with such phased-in implementation as the Secretary deems necessary, but beginning as soon as practicable.~~

~~"(f) COORDINATION WITH AND ENROLLMENT THROUGH EXCHANGES.—The Secretary shall take such actions as are necessary to provide, in the case of a coverage gap State in which the Federal Medicaid program is offered, for the availability of information on, determinations of eligibility for, and enrollment in such program through and coordinated with the Exchange established with respect to such State under title I of the Patient Protection and Affordable Care Act.~~

~~"(g) THIRD PARTY LIABILITY.—The provisions of section 1902(a)(25) shall apply with respect to the Federal Medicaid program, the Secretary, and the eligible entities with a contract under subsection (b) in the same manner as such provisions apply with respect to State plans under this title (or waiver of such plans) and the State or local agency~~

administering such plan (or waiver). The Secretary may specify a timeline (which may include a phase-in) for implementing this subsection:

~~"(h) FRAUD AND ABUSE PROVISIONS.— Provisions of law (other than criminal law provisions) identified by the Secretary, in consultation (as appropriate) with the Inspector General of the Department of Health and Human Services, that impose sanctions with respect to waste, fraud, and abuse under this title or title XI, such as the False Claims Act (31 U.S.C. 3720 et seq.), as well as provisions of law (other than criminal law provisions) identified by the Secretary that provide oversight authority, shall also apply to the Federal Medicaid program:~~

~~"(i) MAINTENANCE OF EFFORT.—~~

~~"(1) PAYMENT.—~~

~~"(A) IN GENERAL.— In the case of a State that, as of January 1, 2022, is expending amounts for all individuals described in section 1902(a)(10)(A)(i)(VIII) under the State plan (or waiver of such plan) and that stops expending amounts for all such individuals under the State plan (or waiver of such plan), such State shall for each quarter beginning after January 1, 2022, during which such State does not expend amounts for all such individuals provide for payment under this subsection to the Secretary of the product of—~~

~~"(i) 10 percent of, subject to subparagraph (B), the average monthly per capita costs expended under the State plan (or waiver of such plan) for such individuals during the most recent previous quarter with respect to which the State expended amounts for all such individuals; and~~

~~"(ii) the sum, for each month during such quarter, of the number of individuals enrolled under such program in such State.~~

~~"(B) ANNUAL INCREASE.— For purposes of subparagraph (A), in the case of a State with respect to which such subparagraph applies with respect to a period of consecutive quarters occurring during more than one calendar year, for such consecutive quarters occurring during the second of such calendar years or a subsequent calendar year, the average monthly per capita costs for each such quarter for such State determined under subparagraph (A)(i), or this subparagraph, shall be annually increased by the Secretary by the percentage increase in Medicaid spending under this title during the preceding year (as determined based on the most recent National Health Expenditure data with respect to such year).~~

~~"(2) FORM AND MANNER OF PAYMENT.— Payment under paragraph (1) shall be made in a form and manner specified by the Secretary.~~

~~"(3) COMPLIANCE.— If a State fails to pay to the Secretary an amount required under paragraph (1), interest shall accrue on such amount at the rate provided under section 1903(d)(5). The amount so owed and applicable interest shall be immediately offset against amounts otherwise payable to the State under section 1903(a), in accordance with the Federal Claims Collection Act of 1996 and applicable regulations.~~

~~"(4) DATA MATCH.— The Secretary shall perform such periodic data matches as may be necessary to identify and compute the number of individuals enrolled under the Federal Medicaid program under section 1948 in a coverage gap State (as referenced in~~

~~subsection (a) of such section) for purposes of computing the amount under paragraph (1).~~

~~"(5) NOTICE.—The Secretary shall notify each State described in paragraph (1) not later than a date specified by the Secretary that is before the beginning of each quarter (beginning with 2022) of the amount computed under paragraph (1) for the State for that year.~~

~~"(j) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, for each fiscal year such sums as are necessary to carry out subsections (a) through (i) of this section."~~

~~(b) 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—~~

~~(1) by striking "or under part B of title XVIII" and inserting ", under the Federal Medicaid program under section 1948, or under part B of title XVIII"; and~~

~~(2) by inserting "including as such subsection is applied pursuant to subsections (a) (2)(C) and (d) of section 1948 with respect to the Federal Medicaid program," before "and must meet".~~

*** ~~Sec. 30714. Funding for technical assistance and other administrative requirements related to Medicaid HCBS~~**

~~(a) 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, \$35,000,000, to remain available until expended, to carry out the following activities:~~

~~(1) To prepare and submit to the appropriate committees of Congress—~~

~~(A) not later than 4 years after the date of enactment of this Act, a report that includes—~~

~~(i) a description of the HCBS improvement plans approved by the Secretary under section 30712(d);~~

~~(ii) a description (which may be a narrative report with examples or otherwise) of the landscape, at both the national and State levels, with respect to gaps in coverage of home and community-based services, disparities in access to, and utilization of, such services, and barriers to accessing such services; and~~

~~(iii) a description of the national landscape with respect to the direct care workforce that provides home and community-based services, including with respect to wages, benefits, and challenges to the availability of such workers; and~~

~~(B) not later than 7 years after the date of enactment of this Act, and every 3 years thereafter, a report that includes—~~

~~(i) the number of HCBS program improvement States;~~

~~(ii) a summary of the progress being made by such States with respect to strengthening and expanding access to home and community-based services and the direct care workforce that provides such services and meeting the~~

~~benchmarks for demonstrating improvements required under section 1905(jj)(5) of the Social Security Act (as added by section 30713);~~

~~(iii) a summary of States' performance measures as a part of the home and community-based services core quality measures and beneficiary and family caregiver surveys; and~~

~~(iv) a summary of the challenges and best practices reported by States in expanding access to home and community-based services and supporting and expanding the direct care workforce that provides such services;~~

~~(2) To provide HCBS program improvement States with technical assistance related to carrying out the HCBS improvement plans approved by the Secretary under section 30712(d) and meeting the requirements and benchmarks for demonstrating improvements required under section 1905(jj) of the Social Security Act (as added by section 30713), and to issue such guidance or regulations as necessary to carry out this subtitle and the amendments made by this subtitle, including guidance specifying how States shall assess and track access to home and community-based services over time.~~

*** ~~Sec. 30724. Providing for 1 year of continuous eligibility for children under the Medicaid program~~**

~~(a) IN GENERAL.—Section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—~~

~~(1) in paragraph (12), by inserting "before the date of the enactment of paragraph (17)" after "subsection (a)(10)(A)";~~

~~(2) 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 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.—~~

~~(1) IN GENERAL.—Subject to paragraph (2), the amendments made by subsection (a) (2) shall apply with respect to eligibility determinations or redeterminations made on or after the date of the enactment of this Act.~~

~~(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 under subsection (a)(2), 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.~~

*** ~~Sec. 30725. Allowing for medical assistance under Medicaid for inmates during 30-day period preceding release~~**

~~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 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', except during the 30-day period preceding the date of release of such individual from such public institution" after "medical institution".~~

*** ~~Sec. 30726. Extension of certain provisions~~**

~~(b) 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 (1):~~

~~(c) 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—~~

~~(1) in the paragraph heading, by striking "through September 30, 2027"; and~~

~~(2) by striking "through September 30" and all that follows through "ends on September 30, 2027" and inserting "(but beginning on October 1, 2019,".~~

*** ~~Sec. 30902. Providing coverage for hearing care under the Medicare program~~**

~~(a) PROVISION OF AURAL REHABILITATION AND TREATMENT SERVICES BY QUALIFIED AUDIOLOGISTS.— Section 1861(ii)(3) of the Social Security Act (42 U.S.C. 1395x(ii)(3)) is amended by inserting "(and, beginning October 1, 2023, such aural rehabilitation and treatment services)" after "assessment services".~~

~~(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 October 1, 2023, 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)), as amended by section 30901(e)(2)(A), is further amended by adding at the end the following new paragraph:~~

~~"(7) LIMITATIONS FOR HEARING AIDS.—~~

~~"(A) IN GENERAL.— Payment may be made under this part with respect to an individual, with respect to hearing aids furnished on or after October 1, 2023~~

~~"(i) not more than once during a 5-year period;~~

~~"(ii) only for types of such hearing aids that are not over-the-counter hearing aids (as defined in section 520(q)(1) of the Federal Food, Drug, and Cosmetic Act) and that are determined appropriate by the Secretary; and~~

~~"(iii) only if furnished pursuant to a written order of a physician or qualified audiologist (as defined in section 1861(l)(4)(B))."~~

~~"(B) LIMITATION ON JUDICIAL REVIEW.—There shall be no administrative or judicial review under section 1869 or otherwise of—~~

~~"(i) the determination of the types of hearing aids paid for under subparagraph (A)(ii); or~~

~~"(ii) the determination of fee schedule rates for hearing aids described in this paragraph."~~

~~(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)), as amended by section 30901(e)(2)(B)(i), is further amended—~~

~~(i) in the header, by inserting ", hearing aids" after "dentures";~~

~~(ii) by inserting ", of hearing aids described in paragraph (2)(E) of such section," after "paragraph (2)(D) of such section"; and~~

~~(iii) in clause (i), by inserting ", such hearing aids" after "such dentures".~~

~~(B) CONFORMING AMENDMENT.—~~

~~(i) IN GENERAL.—~~

~~Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w-3(a)(2)), as amended by section 30901(e)(2)(B)(ii), is further amended by adding at the end the following new subparagraph:~~

~~"(E) 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)), as amended by section 30901(e)(2)(B)(iii), is further amended by adding at the end the following new subparagraph:~~

~~"(D) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(E) 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 AUDIOLOGISTS 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)), as amended by section 30901(d)(4), is further amended by adding at the end the following new clause:~~

~~"(viii) Beginning October 1, 2023, a qualified audiologist (as defined in section 1861(l)(4)(B))."~~

~~(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) CERTAIN NON-APPLICATION.—~~

~~(1) IN GENERAL.— The last sentence of section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)), as added by section 30901(g)(1), is amended by striking "section 30901 (other than subsection (g))" and inserting "sections 30901 (other than subsection (g)), 30902 (other than subsection (d))".~~

~~(2) PAYMENT.— Paragraph (4) of section 1844(a) of such Act (42 U.S.C. 1395w(a)), as added by section 30901(g)(2), is amended by striking "section 30901 (other than subsection (g))" and inserting "sections 30901 (other than subsection (g)), 30902 (other than subsection (d))".~~

~~(e) 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 2023 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 30901 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.~~

*** Sec. 30903. Providing coverage for vision care under the Medicare program**

~~(a) COVERAGE.— Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)), as amended by section 30901(a), is further amended—~~

~~(1) in subparagraph (III), by striking "and" after the semicolon at the end;~~

~~(2) in subparagraph (II), by striking the period at the end and adding "; and"; and~~

~~(3) by adding at the end the following new subparagraph:~~

~~"(JJ) vision services (as defined in subsection (mmm));".~~

~~(b) VISION SERVICES DEFINED.—~~

~~Section 1861 of the Social Security Act (42 U.S.C. 1395x), as amended by section 30901(b), is further amended by adding at the end the following new subsection:~~

~~"(mmm) VISION SERVICES.—The term 'vision services' means—~~

~~"(1) routine eye examinations to determine the refractive state of the eyes, including procedures performed during the course of such examination; and~~

~~"(2) contact lens-fitting services;~~

~~furnished on or after October 1, 2022, by or under the direct supervision of an ophthalmologist or optometrist who is legally authorized to furnish such examinations, procedures, or fitting services (as applicable) under State law (or the State regulatory mechanism provided by State law) of the State in which the examinations, procedures, or fitting services are furnished."~~

~~(c) PAYMENT LIMITATIONS.—~~

~~Section 1834 of the Social Security Act (42 U.S.C. 1395m), as amended by section 30901(c)(2), is further amended by adding at the end the following new subsection:~~

~~"(aa) LIMITATION FOR VISION SERVICES.—With respect to vision services (as defined in section 1861(mmm)) and an individual, payment may be made under this part for only 1 routine eye examination described in paragraph (1) of such section and 1 contact lens fitting service described in paragraph (2) of such section during a 2-year period."~~

~~(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)), as amended by section 30901(d)(1), is further amended by inserting "(2)(JJ)," before "(3)".~~

~~(e) COVERAGE OF CONVENTIONAL EYEGLASSES AND CONTACT LENSES.—~~

~~(1) IN GENERAL.—Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)), as amended by section 30902(b)(1), is further amended by striking ", and including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens" and inserting ", including one pair of conventional eyeglasses or contact lenses furnished subsequent to each cataract surgery with insertion of an intraocular lens, if furnished before October 1, 2022, and including conventional eyeglasses or contact lenses (as described in section 1834(h)(8)), whether or not furnished subsequent to such a surgery, if furnished on or after October 1, 2022".~~

~~(2) CONFORMING AMENDMENT.—Section 1842(b)(11)(A) of the Social Security Act (42 U.S.C. 1395u(b)(11)(A)) is amended by inserting "furnished prior to October 1, 2022," after "relating to them,".~~

~~(f) SPECIAL PAYMENT RULES FOR EYEGLASSES AND CONTACT LENSES.—~~

~~(1) LIMITATIONS.—Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)), as amended by section 30901(c)(2)(A) and section 30902(b)(2), is further amended by adding at the end the following new paragraph:~~

~~"(8) PAYMENT LIMITATIONS FOR EYEGLASSES AND CONTACT LENSES.—~~

~~"(A) IN GENERAL.—With respect to eyeglasses and contact lenses furnished to an individual on or after October 1, 2022, subject to subparagraph (B);~~

~~payment may be made under this part only—~~

~~"(i) during a 2-year period, for either 1 pair of eyeglasses (including lenses and frames) or not more than a 2-year supply of contact lenses;~~

~~"(ii) with respect to amounts attributable to the lenses and frames of such a pair of eyeglasses or amounts attributable to such a 2-year supply of contact lenses, in an amount not greater than—~~

~~"(I) for a pair of eyeglasses furnished in, or a 2-year supply of contact lenses beginning in, 2022—~~

~~"(aa) \$85 for the lenses of such pair of eyeglasses and \$85 for the frames of such pair of eyeglasses; or~~

~~"(bb) \$85 for such 2-year supply of contact lenses; and~~

~~"(II) for the lenses and frames of a pair of eyeglasses furnished in, or a 2-year supply of contact lenses beginning in, a subsequent year, the dollar amounts specified under this subparagraph for the previous year, increased by the percentage change in the consumer price index for all urban consumers (United States city average) for the 12-month period ending with June of the previous year;~~

~~"(iii) if furnished pursuant to a written order of an ophthalmologist or optometrist described in subsection (mmm); and~~

~~"(iv) if during the 2-year period described in clause (i), the individual did not already receive (as described in subparagraph (B)) one pair of conventional eyeglasses or contact lenses subsequent to a cataract surgery with insertion of an intraocular lens furnished during such period.~~

~~"(B) EXCEPTION.— With respect to a 2-year period described in subparagraph (A)(i), in the case of an individual who receives cataract surgery with insertion of an intraocular lens, notwithstanding subparagraph (A), payment may be made under this part for one pair of conventional eyeglasses or contact lenses furnished subsequent to such cataract surgery during such period.~~

~~"(C) LIMITATION ON JUDICIAL REVIEW.— There shall be no administrative or judicial review under section 1869 or otherwise of—~~

~~"(i) the determination of the types of eyeglasses and contact lenses covered under this paragraph; or~~

~~"(ii) the determination of fee schedule rates under this subsection for eyeglasses and contact lenses."~~

~~(2) APPLICATION OF COMPETITIVE ACQUISITION.—~~

~~(A) IN GENERAL.— Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 4395m(h)(1)(H)), as amended by section 30901(e)(2)(B)(i) and section 30902(b)(3) (A), is further amended—~~

~~(i) in the header by inserting ", eyeglasses, and contact lenses" after "hearing aids";~~

~~(ii) by inserting "and of eyeglasses and contact lenses described in paragraph (2)(F) of such section," after "paragraph (2)(E) of such section,"; and~~

~~(iii) in clause (i), by inserting ", or such eyeglasses and contact lenses" after "such hearing aids".~~

~~(B) CONFORMING AMENDMENT.—~~

~~(i) IN GENERAL.—~~

~~Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w-3(a)(2)), as amended by section 30901(e)(2)(B)(ii) and section 30902(b)(3)(B)(i), is further amended by adding at the end the following new subparagraph:~~

~~"(F) EYEGLASSES AND CONTACT LENSES.—Eyeglasses and contact lenses 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)), as amended by section 30901(e)(2)(B)(iii) and section 30902(b)(3)(B)(ii), is further amended by adding at the end the following new subparagraph:~~

~~"(E) CERTAIN EYEGLASSES AND CONTACT LENSES.—Those items and services described in paragraph (2)(F) 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."~~

~~(g) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)), as amended by section 30901(f), is further amended—~~

~~(1) in paragraph (1)—~~

~~(A) in subparagraph (P), by striking "and" at the end;~~

~~(B) in subparagraph (Q), by striking the semicolon at the end and inserting "; and"; and~~

~~(C) by adding at the end the following new subparagraph:~~

~~"(R) in the case of vision services (as defined in section 1861(mmm)) that are routine eye examinations and contact lens fitting services (as described in paragraph (1) or (2), respectively, of such section), which are furnished more frequently than once during a 2-year period;" and~~

~~(2) in paragraph (7)—~~

~~(A) by inserting "(other than such an examination that is a vision service that is covered under section 1861(s)(2)(JJ))" after "eye examinations"; and~~

~~(B) by inserting "(other than such a procedure that is a vision service that is covered under section 1861(s)(2)(JJ))" after "refractive state of the eyes".~~

~~(h) CERTAIN NON-APPLICATION.—~~

~~(1) IN GENERAL.—The last sentence of section 1839(a)(1) of the Social Security Act (42 U.S.C. 1395r(a)(1)), as added by section 30901(g)(1) and amended by section~~

~~30902(d)(1), is further amended by inserting ", and 30903 (other than subsection (h))" after "30902 (other than subsection (d))".~~

~~(2) PAYMENT.— Paragraph (4) of section 1844(a) of such Act (42 U.S.C. 1395w(a)), as added by section 30901(g)(2) and amended by section 30902(d)(2), is further amended by inserting ", and 30903 (other than subsection (h))" after "30902 (other than subsection (d))".~~

~~(i) 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 and 2023 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 30901 and 30902.~~

~~(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.~~

*** Sec. 30442. Electric vehicle supply equipment rebate 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, \$2,000,000,000, to remain available until expended (except that no funds shall be disbursed after September 30, 2031), to establish and carry out a rebate program to provide rebates to eligible entities for covered expenses associated with electric vehicle supply equipment located at workplaces, multi-unit housing structures, and publicly accessible locations.~~

~~(b) REBATE PROGRAM REQUIREMENTS.—~~

~~(1) ELIGIBLE EQUIPMENT AND LOCATIONS.—~~

~~(A) IN GENERAL.— Not later than 180 days after the date of the enactment of this Act, the Secretary shall publish and maintain on the Department of Energy internet web site a list of electric vehicle supply equipment that is eligible for the rebate program. Such list may include technical specifications and requirements for such~~

~~electric vehicle supply equipment to enhance safety, cybersecurity, performance, accessibility, and alignment with relevant codes and standards, as determined appropriate by the Secretary.~~

~~(B) LOCATION REQUIREMENT.— An eligible entity may receive a rebate under the rebate program only if the electric vehicle supply equipment included on the list published under subparagraph (A) is installed—~~

~~(i) in the United States;~~

~~(ii) on property—~~

~~(I) owned by the eligible entity; or~~

~~(II) on which the eligible entity has authority to install electric vehicle supply equipment; and~~

~~(iii) at a location that is—~~

~~(I) a multi-unit housing structure;~~

~~(II) a workplace, and available to employees of such workplace or employees of a nearby workplace; or~~

~~(III) publicly accessible, including a publicly accessible commercial location.~~

~~(C) PUBLIC ACCESSIBILITY.— For electric vehicle supply equipment not located at a multi-unit housing structure or a workplace, an eligible entity may receive a rebate under the rebate program only if the installed electric vehicle supply equipment is—~~

~~(i) publicly accessible for a minimum of 12 hours per day at least 5 days per week; and~~

~~(ii) networked or otherwise capable of being monitored remotely.~~

~~(2) APPLICATION.— In order to receive a rebate under the rebate program, an eligible entity shall submit to the Secretary an application. Such application shall include—~~

~~(A) the estimated cost of covered expenses to be expended on the electric vehicle supply equipment that is eligible under paragraph (1);~~

~~(B) the estimated installation cost of the electric vehicle supply equipment that is eligible under paragraph (1);~~

~~(C) the global positioning system location, including the integer number of degrees, minutes, and seconds, of where such electric vehicle supply equipment is to be installed, and identification of whether such location is—~~

~~(i) a multi-unit housing structure;~~

~~(ii) a workplace; or~~

~~(iii) publicly accessible, including a publicly accessible commercial location, in accordance with paragraph (1)(C);~~

~~(D) the technical specifications of such electric vehicle supply equipment, including the maximum power, voltage and amperage of such equipment;~~

~~(E) an assessment of the electrical capacity at the location where such electric vehicle supply equipment is to be installed, and, as necessary, proof of communication with the electric utility that will serve the electric vehicle supply equipment to be installed; and~~

~~(F) any other information determined by the Secretary to be necessary for a complete application.~~

~~(3) FUNDING SET-ASIDES.— Each fiscal year, the Secretary may set aside an amount of funding under the rebate program to ensure, to the extent possible given the applications meeting the requirements of the rebate program submitted, rebates are distributed—~~

~~(A) to individuals and small businesses, as determined by the Secretary; and~~

~~(B) for electric vehicle supply equipment—~~

~~(i) located in rural communities, as determined by the Secretary; and~~

~~(ii) located in low-income and disadvantaged communities, as determined by the Secretary.~~

~~(4) REBATE AMOUNT.—~~

~~(A) IN GENERAL.— Except as provided in subparagraph (B), the amount of a rebate made under the rebate program for new electric vehicle supply equipment at a location shall be the lesser of—~~

~~(i) 75 percent of the applicable covered expenses;~~

~~(ii) \$1,000 for covered expenses associated with the purchase and installation of non-networked level 2 charging equipment;~~

~~(iii) \$4,000 for covered expenses associated with the purchase and installation of networked level 2 charging equipment; or~~

~~(iv) \$100,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.~~

~~(B) REBATE AMOUNT FOR REPLACEMENT EQUIPMENT.— The amount of a rebate made under the rebate program for replacement of pre-existing electric vehicle supply equipment of similar specifications at a location shall be the lesser of—~~

~~(i) 75 percent of the applicable covered expenses;~~

~~(ii) \$500 for covered expenses associated with the purchase and installation of non-networked level 2 charging equipment;~~

~~(iii) \$2,000 for covered expenses associated with the purchase and installation of networked level 2 charging equipment; or~~

~~(iv) \$35,000 for covered expenses associated with the purchase and installation of networked direct current fast charging equipment.~~

~~(5) DISBURSEMENT OF REBATE.—~~

~~(A) MATERIALS REQUIRED FOR DISBURSEMENT OF REBATE.— Before a rebate may be disbursed to an eligible entity, such eligible entity shall submit to the Secretary—~~

~~(i) a record of payment for covered expenses expended on the installation of the electric vehicle supply equipment that is eligible under paragraph (1);~~

~~(ii) a record of payment for the electric vehicle supply equipment that is eligible under paragraph (1);~~

~~(iii) the global positioning system location, including the integer number of degrees, minutes, and seconds, of where such electric vehicle supply equipment was installed and identification of whether such location is—~~

~~(I) a multi-unit housing structure;~~

~~(II) a workplace; or~~

~~(III) publicly accessible, including a publicly accessible commercial location, in accordance with paragraph (1)(C);~~

~~(iv) the technical specifications of the electric vehicle supply equipment that is eligible under paragraph (1), including the maximum power voltage and amperage of such equipment; and~~

~~(v) any other information determined by the Secretary to be necessary.~~

~~(B) AGREEMENT TO MAINTAIN.—To be eligible for a rebate under the rebate program, an eligible entity shall enter into an agreement with the Secretary to maintain the electric vehicle supply equipment that is eligible under paragraph (1) in a satisfactory manner, and at the location stated in the application or in the materials submitted under subparagraph (A), as applicable, for not fewer than 5 years after the date on which the eligible entity receives the rebate under the rebate program.~~

~~(C) EXCEPTION.—The Secretary may decline to disburse a rebate under the rebate program if materials submitted under subparagraph (A) vary significantly, as determined by the Secretary, from the global positioning system location and technical specifications for the electric vehicle supply equipment that is eligible under paragraph (1) provided in an application under paragraph (2).~~

~~(6) MULTI-PORT CHARGERS.—An eligible entity shall be awarded a rebate under the rebate program for covered expenses relating to the purchase and installation of a multi-port charger based on the number of publicly accessible charging ports, with each subsequent port after the first port being eligible for 75 percent of the full rebate amount.~~

~~(7) HYDROGEN FUEL CELL REFUELING EQUIPMENT.—Hydrogen fuel cell refueling equipment shall be eligible for a rebate under the rebate program as though it were networked direct current fast charging equipment, and all applicable requirements related to such equipment shall apply.~~

~~(8) NETWORKED DIRECT CURRENT FAST CHARGING.—Of amounts appropriated to carry out the rebate program, not more than 40 percent may be used for rebates of networked direct current fast charging equipment or hydrogen fuel cell refueling equipment.~~

~~(c) DEFINITIONS.—In this section:~~

~~(1) COVERED EXPENSES.—⁽¹⁾The term "covered expenses" means an expense that is associated with the purchase and installation of electric vehicle supply equipment;~~

including—

~~(A) the cost of electric vehicle supply equipment;~~

~~(B) labor costs associated with the installation of such electric vehicle supply equipment;~~

~~(C) material costs associated with the installation of such electric vehicle supply equipment, including expenses borne by rebate recipients for electrical equipment and necessary upgrades or modifications to the electrical grid and associated infrastructure required for the installation of such electric vehicle supply equipment;~~

~~(D) permit costs associated with the installation of such electric vehicle supply equipment; and~~

~~(E) the cost of an on-site energy storage system that supports electrical load balancing or otherwise improves the performance of such electric vehicle supply equipment.~~

~~(2) ELIGIBLE ENTITY.— The term "eligible entity" means an individual, a State, local, Tribal, or Territorial government, a private entity, a not-for-profit entity, a nonprofit entity, or a metropolitan planning organization.~~

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

~~(4) MULTI-PORT CHARGER.— The term "multi-port charger" means electric vehicle charging unit capable of charging more than one electric vehicle simultaneously.~~

~~(5) NETWORKED DIRECT CURRENT FAST CHARGING EQUIPMENT.— The term "networked direct current fast charging 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.~~

~~(6) REBATE PROGRAM.— The term "rebate program" means the rebate program established under subsection (a).~~

*** ~~Sec. 31023. Funding for surveillance activities at the Centers for Disease Control and Prevention~~**

~~(a) 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, \$1,000,000,000, to remain available until expended, to carry out, acting through the Director of the Centers for Disease Control and Prevention, directly or by making grants to public or private entities, activities described in subsection (b):~~

~~(b) USE OF FUNDS.— Amounts made available by subsection (a) shall be used to—~~

~~(1) enhance and strengthen early warning and detection systems, including public health and health care surveillance, wastewater testing, and global and domestic genomic surveillance;~~

~~(2) enhance and strengthen surveillance based in hospitals and other health care providers or facilities, and outpatient facility surveillance for severe acute respiratory~~

~~infection, influenza-like illness, acute febrile illness, and other diseases as determined by the Director of the Centers for Disease Control and Prevention to be in the interest of public health; and~~

~~(3) strengthen the antibiotic resistance initiative program to improve research, stewardship, genomic detection capabilities, and surveillance of existing and emerging antimicrobial resistant pathogens.~~

*** ~~Sec. 31024. Funding for data modernization at the Centers for Disease Control and Prevention~~**

~~(a) 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, \$500,000,000, to remain available until expended—~~

~~(1) to carry out, acting through the Director of the Centers for Disease Control and Prevention, directly or by making grants to public or private entities, activities described in subsection (b); and~~

~~(2) to supplement other available funds to carry out similar data modernization activities authorized by the Public Health Service Act (42 U.S.C. 201 et seq.);~~

~~(b) USE OF FUNDS.— Amounts made available by subsection (a) shall be used for the following:~~

~~(1) Supporting public health data surveillance, aggregation, and analytics infrastructure modernization initiatives.~~

~~(2) Enhancing reporting and workforce core competencies in informatics and digital health.~~

~~(3) Expanding and maintaining efforts to modernize the United States disease warning system to forecast and track hotspots and emerging biological threats.~~

*** ~~Sec. 31031. Funding for Advanced Research Projects for Health~~**

~~(a) 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, \$3,000,000,000, to remain available until expended, to establish the Advanced Research Projects Agency for Health (in this section referred to as the "ARPA-H") for purposes of making pivotal investments in breakthrough technologies and broadly applicable platforms, capabilities, resources, and solutions that have the potential to transform important areas of medicine and health for the benefit of all individuals and that cannot readily be accomplished through traditional biomedical research or commercial activity.~~

~~(b) USE OF FUNDS.— Amounts made available by subsection (a) shall be used to—~~

~~(1) hire a Director to head the ARPA-H (for a term of no more than 5 years subject to one renewal period); and~~

~~(2) acting through the Director of the ARPA-H, in consultation, as applicable, with the Director of the National Institutes of Health, the Commissioner of Food and Drugs, the Administrator of the Centers for Medicare & Medicaid Services, the Director of the~~

~~Biomedical Advanced Research and Development Authority, the Deputy Assistant Secretary for Minority Health, and the heads of other agencies, shall—~~

~~(A) ensure to the maximum extent practicable that the projects and activities of the ARPA-H funded by subsection (a) are coordinated with, and do not duplicate the efforts of, programs within, or research conducted or supported by, the Department of Health and Human Services; and~~

~~(B) in using amounts made available by subsection (a), expedite the development, application, and implementation of health breakthroughs to prevent, detect, and treat serious or life-threatening diseases, including—~~

~~(i) providing awards in the form of grants, contracts, cooperative agreements, prizes, and other transactions (as defined under section 402(n) of the Public Health Service Act (42 U.S.C. 282(n))) to entities to carry out advanced research projects for health, including through multiyear contracts (subject to the availability of funds) and prize competitions;~~

~~(ii) developing funding criteria and evaluation criteria to assess projects funded under clause (i);~~

~~(iii) establishing metrics or criteria to prioritize investments and research that should be funded under clause (i), including the novelty, scientific, and technical merit of proposed projects, the future commercial applications of projects, and the unmet need within patient populations;~~

~~(iv) identifying and promoting potential advances in basic research that will assist in carrying out advanced health research and development;~~

~~(v) identifying areas of research and innovation that are high-risk, high-reward or where the incentives of the commercial market are unlikely to result in adequate or timely development;~~

~~(vi) supporting collaboration and communication among other Federal agencies, including both health and scientific agencies, institutions of higher education, private or public research institutions, private entities, including biotechnology and pharmaceutical companies, and nonprofit organizations, including patient advocacy groups, including soliciting data, if applicable;~~

~~(vii) translating scientific discoveries into technological innovations, including through—~~

~~(I) collaboration with the Food and Drug Administration on the development of medical products to facilitate transformation of breakthroughs in biomedicine into tangible solutions for patients; and~~

~~(II) ensuring that medical product development programs gather nonclinical and clinical data necessary for approval as efficiently as practicable;~~

~~(viii) hiring and appointing personnel necessary to carry out activities described in this section (including—~~

~~(I) making and rescinding appointments of scientific, medical, and professional personnel;~~

~~(II) designating personnel to serve as program managers (for terms of no more than 3 years subject to one renewal period) to establish research and development goals for the ARPA-H, provide project oversight and management of strategic initiatives, recommend restructure, expansion, or termination of research projects under this section, as necessary and appropriate, and carry out other activities described in this subsection;~~

~~(III) recruiting and retaining a diverse workforce, including individuals underrepresented in science and medicine and, racial and ethnic minorities; and~~

~~(IV) hiring and appointing administrative, financial, and information technology staff as necessary to carry out this subsection;~~

~~(ix) compensating personnel at a rate to be determined by the Director of the ARPA-H;~~

~~(x) acquiring (by purchase, lease, condemnation, or otherwise), constructing, improving, repairing, operating, and maintaining such real and personal property as are necessary to carry out this section; and~~

~~(xi) entering into or terminating contracts, including multiyear contracts, as appropriate to support advanced research projects for health.~~

~~(c) FUNDING AWARDS.— Research funded by amounts made available under this section shall not be subject to the requirements of section 406(a)(3)(A)(ii) or 492 of the Public Health Service Act (42 U.S.C. 284a(a)(3)(A)(ii), 289a).~~

~~(d) SUPPLEMENT NOT SUPPLANT.— Funds appropriated by this section shall be used to supplement and not supplant any appropriations for institutes and centers of the National Institutes of Health.~~

*** Sec. 31005. Funding for schools of medicine in underserved areas**

~~(a) 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, \$1,000,000,000, to remain available until expended, for purposes of making awards to eligible entities for the establishment, improvement, or expansion of an allopathic or osteopathic school of medicine, or a branch campus of an allopathic or osteopathic school of medicine, consistent with subsection (b).~~

~~(b) USE OF FUNDS.— The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, with priority given to minority-serving institutions described in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 4067q(a)), and taking into consideration equitable distribution of awards among the geographical regions of the United States (which shall include rural regions and populations as defined by the Secretary for the purposes of this section) and the locations of existing schools of allopathic and osteopathic medicine, use amounts appropriated by subsection (a) to award grants to eligible entities to—~~

~~(1) recruit, enroll, and retain students, including individuals who are from disadvantaged backgrounds (including racial and ethnic groups underrepresented among medical students and health professions), individuals from rural and underserved areas, low-income individuals, and first generation college students (as defined in section 402A(h)(3) of the Higher Education Act of 1965 (20 U.S.C. 1070a-11(h)(3))), at a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine;~~

~~(2) develop, implement, and expand curriculum that emphasizes care for rural and underserved populations, including accessible and culturally appropriate and linguistically appropriate care and services, at such school or branch campus;~~

~~(3) plan and construct a school of medicine or osteopathic medicine in an area in which no other such school or branch campus of such a school is based;~~

~~(4) plan, develop, and meet criteria for accreditation for a school of medicine or osteopathic medicine or branch campus of such a school;~~

~~(5) hire faculty, including faculty from racial and ethnic groups who are underrepresented among the medical and other health professions, and other staff to serve at such a school or branch campus;~~

~~(6) support educational programs at such a school or branch campus, including modernizing curriculum;~~

~~(7) modernize and expand infrastructure at such a school or branch campus; or~~

~~(8) support other activities that the Secretary determines will further the establishment, improvement, or expansion of a school of medicine or osteopathic medicine or branch campus of a school of medicine or osteopathic medicine.~~

~~(c) DEFINITIONS.— In this section:~~

~~(1) ELIGIBLE ENTITY.— The term "eligible entity" means an institution of higher education as defined in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).~~

~~(2) BRANCH CAMPUS.—~~

~~(A) IN GENERAL.— The term "branch campus", with respect to a school of medicine or osteopathic medicine, means an additional location of such school that is geographically apart and independent of the main campus, at which the school offers at least 50 percent of the program leading to a degree of doctor of medicine or doctor of osteopathy that is offered at the main campus.~~

~~(B) INDEPENDENCE FROM MAIN CAMPUS.— For purposes of subparagraph (A), the location of a school described in such subparagraph shall be considered to be independent of the main campus described in such subparagraph if the location—~~

~~(i) is permanent in nature;~~

~~(ii) offers courses in educational programs leading to a degree, certificate, or other recognized educational credential;~~

~~(iii) has its own faculty and administrative or supervisory organization; and~~

~~(iv) has its own budgetary and hiring authority.~~

*** ~~Sec. 30309. Grants for Contaminant Monitoring~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until expended, to make grants to pay for the costs of monitoring required under section 1445(a)(2) of the Safe Drinking Water Act (42 U.S.C. 300j-4(a)(2)).~~

*** ~~Sec. 80005. National Archives and Records Administration~~**

~~In addition to amounts otherwise available, there is appropriated to the National Archives and Records Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$60,000,000 to remain available until expended to address backlogs in responding to requests from veterans for military personnel records, improve cyber security, improve digital preservation and access to archival Federal records, and address backlogs in requests made under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act). Such amounts may also be used for the Federal Records Center Program.~~

*** ~~Sec. 80006. Funding for Government Accountability Office~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$25,000,000, to remain available until expended, for the Comptroller General to conduct oversight of the receipt, disbursement, and use of funds and exercise of authorities provided by this Act, including oversight of the equitable distribution and use of funds and their economic, social, and environmental impacts; and to prepare such reports that the Comptroller General determines appropriate.~~

*** ~~Sec. 80007. Funding for the Office of Management and Budget for implementation of Justice40~~**

~~In addition to amounts otherwise available, there is appropriated to the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$4,000,000 to remain available until September 30, 2026, for additional personnel and data management expenses to support implementation of the Justice40 Initiative set forth in section 223 of Executive Order No. 14008, "Executive Order on Tackling the Climate Crisis at Home and Abroad" (January 27, 2021), including providing assistance to other agencies in the development and implementation of methodologies to measure benefits; the development of a database to track agency benefits to disadvantaged communities; and a public-facing scorecard detailing agency environmental justice performance measures.~~

*** ~~Sec. 31201. Spectrum auctions and innovation~~**

~~(a) DEFINITIONS.—In this section:~~

~~(1) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary of Commerce for Communications and Information.~~

~~(2) COMMISSION.—The term "Commission" means the Federal Communications Commission.~~

~~(3) COVERED BAND.—The ~~(1)~~ term "covered band" means the band of frequencies between 3100 megahertz and 3450 megahertz, inclusive.~~

~~(4) RELEVANT CONGRESSIONAL COMMITTEES.— The term "relevant congressional committees" means—~~

~~(A) the Committee on Energy and Commerce of the House of Representatives; and~~

~~(B) the Committee on Commerce, Science, and Transportation of the Senate.~~

~~(5) SECRETARY.— The term "Secretary" means the Secretary of Commerce.~~

~~(b) 3.1–3.45 GHz BAND.—~~

~~(1) PRE-AUCTION FUNDING.—~~

~~(A) IN GENERAL.— On the date of enactment of this Act, the Director of the Office of Management and Budget shall transfer \$50,000,000 from the Spectrum Relocation Fund established under section 118 of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928) to the Secretary for the purpose of engineering studies, economic analyses, activities with respect to systems, or other planning activities to improve efficiency and effectiveness of Federal spectrum use in order to make available—~~

~~(i) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and~~

~~(ii) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).~~

~~(B) EXEMPTION.— Section 118(g) of the National Telecommunications and Information Administration Organization Act (47 U.S.C. 928(g)) shall not apply with respect to the payment required under subparagraph (A).~~

~~(C) PLAN.— Not later than 180 days after the date of enactment of this Act, the Assistant Secretary, in coordination with the Secretary of Defense and the Executive Office of the President, shall develop a plan for conducting the engineering studies, economic analyses, activities with respect to systems, or other planning activities described in subparagraph (A).~~

~~(D) CONSIDERATION OF COMMON PLATFORM.— In developing the plan required by subparagraph (C), the Assistant Secretary shall consider facilitating the sharing of spectrum between Federal and non-Federal users implemented through a Federal user informing common platform developed by the Assistant Secretary, in coordination with the Commission.~~

~~(E) OVERSIGHT.— The Assistant Secretary and the Executive Office of the President shall continuously review and provide oversight of the execution of the plan required by subparagraph (C).~~

~~(F) REPORT TO SECRETARY OF COMMERCE AND CONGRESS.— Not later than 18 months after the date of enactment of this Act, for the purposes of aiding the Secretary in making the identification under paragraph (2) and informed by the findings of the engineering studies, economic analyses, activities with respect to systems, or other planning activities described in subparagraph (A), the Assistant~~

~~Secretary, in consultation with the Secretary of Defense, shall submit to the Secretary and the relevant congressional committees a report that—~~

~~(i) contains such findings; and~~

~~(ii) recommends—~~

~~(I) frequencies in the covered band for identification by the Secretary under paragraph (2)(A); and~~

~~(II) frequencies in the covered band for identification by the Secretary under paragraph (2)(B).~~

~~(2) IDENTIFICATION.— Not later than 24 months after the date of enactment of this Act, informed by the findings of the engineering studies, economic analyses, activities with respect to systems, or other planning activities described in paragraph (1)(A) and the report required under paragraph (1)(F), the Secretary, in consultation with the Secretary of Defense, the Director of the Office of Science and Technology Policy, and the Commission, shall submit to the President, the Commission, and the relevant congressional committees a report that—~~

~~(A) identifies for inclusion in a system of competitive bidding under paragraph (3) at least 200 megahertz of frequencies in the covered band for non-Federal use, shared Federal and non-Federal use, or a combination thereof; and~~

~~(B) identifies additional frequencies of electromagnetic spectrum in the covered band that could be made available for non-Federal use, shared Federal and non-Federal use, or a combination thereof.~~

~~(3) AUCTION.—~~

~~(A) IN GENERAL.— Not later than 7 years after the date of enactment of this Act, the Commission, in coordination with the Assistant Secretary, shall commence a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)), in accordance with paragraph (2) of this subsection, of the frequencies identified under subparagraph (A) of that paragraph.~~

~~(B) PROHIBITION.— No entity that is on the list required by section 2 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1604) may participate in the system of competitive bidding required by subparagraph (A).~~

~~(4) PREPARING SPECTRUM FOR AUCTION.—~~

~~(A) IN GENERAL.— The President shall modify or withdraw any assignment to a Federal Government station of the frequencies identified under paragraph (2)(A) to accommodate non-Federal use or shared Federal and non-Federal use in accordance with that paragraph.~~

~~(B) TIMING.— The President may not modify or withdraw any assignment to a Federal Government station as described in subparagraph (A) before November 30, 2024.~~

~~(5) AUCTION PROCEEDS TO COVER 110 PERCENT OF FEDERAL RELOCATION OR SHARING COSTS.— Nothing in ⁽¹⁾ this subsection shall be construed to relieve the~~

~~Commission from the requirements under section 309(j)(16)(B) of the Communications Act of 1934 (47 U.S.C. 309(j)(16)(B)).~~

~~(6) RULES AUTHORIZING ADDITIONAL USE OF SPECTRUM IN COVERED BAND.— Not later than 4 years after the date of enactment of this Act, the Commission, in consultation with the Assistant Secretary, shall adopt rules that authorize the use of spectrum in the covered band identified under paragraph (2)(B) for non-Federal use, shared Federal and non-Federal use, or a combination thereof.~~

~~(7) OPPORTUNISTIC USE OF IDENTIFIED FREQUENCIES.— Not later than 4 years after the date of enactment of this Act, if the President modifies or withdraws assignments under paragraph (4), or if President accommodates the use described in paragraph (2)(A) without such modification or withdrawal, the Commission, in coordination with the Assistant Secretary, shall allow for the opportunistic use of the frequencies identified under such paragraph before the auction required by paragraph (3) is conducted. Opportunistic use, if such use is inconsistent with the rights of licensees that obtained licenses through such auction, shall cease upon the issuance by the Commission of such licenses.~~

~~(c) FCC AUCTION AUTHORITY.—~~

~~(1) TERMINATION.— Section 309(j)(11) of the Communications Act of 1934 (47 U.S.C. 309(j)(11)) is amended by inserting after "2025" the following: ", and with respect to the electromagnetic spectrum identified under section 31201(b)(2)(A) of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, such authority shall expire on the date that is 7 years after the date of enactment of that Act".~~

~~(2) SPECTRUM PIPELINE ACT OF 2015.— The Spectrum Pipeline Act of 2015 (Public Law 114-74; 120 Stat. 621) is amended—~~

~~(A) in section 1004—~~

~~(i) in subsection (a), by striking "2022" and inserting "2024"; and~~

~~(ii) in subsection (b)(1), by striking "2022" and inserting "2024"; and~~

~~(B) in section 1006(c)(1), by striking "2022" and inserting "2024".~~

*** Sec. 40205. Self-help homeownership opportunity program**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, to the Secretary of Housing and Urban Development—~~

~~(1) \$49,500,000 for grants under section 11 of the Housing Opportunity Program Extension Act of 1996 (42 U.S.C. 12805 note); and~~

~~(2) \$500,000 for costs to the Secretary of administering and overseeing the implementation of this section, including information technology, financial reporting, research and evaluations, fair lending compliance, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.~~

~~Amounts appropriated by this section shall remain available until September 30, 2031.~~

*** Sec. 30301. Lead service line replacement**

~~(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, \$30,000,000,000, to make capitalization grants under section 1452 of the Safe Drinking Water Act (42 U.S.C. 300j-12), to remain available until expended, for full lead service line replacement projects and associated activities directly connected to the identification, planning, design, and full replacement of lead service lines, of which \$20,000,000,000 shall be for subsidies to disadvantaged communities (as defined in subsection (d)(3) of such section) in the form of loans, with 100 percent forgiveness of principal, or grants, notwithstanding subsection (d)(2) of such section.~~

~~(b) PROHIBITION ON PARTIAL LINE REPLACEMENT.— No funds made available under this section may be used for partial replacement of lead service lines.~~

~~(c) NO LEVERAGING.— Funds made available under this section may not be used as a source of payment of, or security for (directly or indirectly), in whole or in part, any obligation the interest on which is exempt from the tax imposed under chapter 1 of the Internal Revenue Code of 1986.~~

*** Sec. 31401. Critical manufacturing Supply Chain Resilience**

~~(a) APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,000,000,000, to remain available until expended, except that no amounts may be expended after September 30, 2031, to support the resilience, diversity, security, and strength of critical manufacturing supply chains affecting interstate commerce and related administrative costs.~~

~~(b) PURPOSES.— The amount under subsection (a) shall be available to the Secretary of Commerce for—~~

~~(1) critical manufacturing supply chain mapping and monitoring, which may include providing grants and other financial assistance as appropriate to eligible entities for private and public sector-led mapping, monitoring, and forecasting;~~

~~(2) facilitating and supporting the establishment of voluntary standards, guidelines, and best practices to reduce risks to the resilience, diversity, security, and strength of critical manufacturing supply chains;~~

~~(3) identifying, accelerating, promoting, and demonstrating technological advances for critical manufacturing supply chains; and~~

~~(4) providing grants and other financial assistance as appropriate that support the resilience, diversity, security, or strength of a critical manufacturing supply chain to eligible entities for activities that may include enhancements to a domestic manufacturing facility, process, or practice, the preservation of surge capacity, the provision of goods, or other activities at the determination of the Secretary.~~

~~(c) LIMITATION.— Of the amounts made available under subsection (a), not more than 3 percent may be used for related administrative expenses.~~

~~(1) ELIGIBLE ENTITY DEFINED.— The term "eligible entity" means—~~

~~(1) a domestic enterprise;~~

- (2) a domestic manufacturer;
- (3) a State, local, or Tribal government entity;
- (4) a domestic regional technology and manufacturing hub;
- (5) a domestic institution of higher education;
- (6) a domestic public or private nonprofit organization or association; or
- (7) a consortium of any of the entities described in paragraphs (1) through (6).

*** Sec. 40107. Intergovernmental fair housing activities and investigations**

~~(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated~~

~~(1) \$184,000,000 for support for cooperative efforts with State and local agencies administering fair housing laws under section 817 of the Fair Housing Act (42 U.S.C. 3616) to assist the Secretary to affirmatively further fair housing, and for Fair Housing Assistance Program cooperative agreements with interim certified and certified State and local agencies, under the requirements of subpart C of part 115 of title 24, Code of Federal Regulations, to ensure expanded and strengthened capacity of substantially equivalent agencies to assume a greater share of the responsibility for the administration and enforcement of fair housing laws; the Secretary may transfer and merge amounts appropriated by this paragraph to section 40301; and~~

~~(2) \$66,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Fair Housing Assistance and Fair Housing Initiatives Programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts appropriated by this paragraph to section 40301.~~

~~Amounts appropriated by this section shall remain available until September 30, 2031.~~

~~(b) IMPLEMENTATION.— The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.~~

*** Sec. 40203. HUD-insured small dollar mortgage demonstration program**

~~(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated~~

~~(1) \$76,000,000 for a program to increase access to small-dollar mortgages, as defined in subsection (b), which may include payment of incentives to lenders, adjustments to terms and costs, individual financial assistance, technical assistance to~~

~~lenders and certain financial institutions to help originate loans, lender and borrower outreach, and other activities;~~

~~(2) \$10,000,000 for the cost of insured or guaranteed loans, including the cost of modifying loans, as defined in section 502 of the Congressional Budget Act of 1974 (2 U.S.C. 661a); and~~

~~(3) \$14,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and programs in the Office of Housing generally, including information technology, financial reporting, research and evaluations, fair lending compliance, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs; the Secretary may transfer and merge amounts appropriated by this paragraph to section 40301.~~

~~Amounts appropriated by this section shall remain available until September 30, 2031.~~

~~(b) SMALL-DOLLAR MORTGAGE.— For purposes of this section, the term "small-dollar mortgage" means a forward mortgage that—~~

~~(1) has an original principal balance of \$100,000 or less;~~

~~(2) is secured by a one- to four-unit property that is the mortgagor's principal residence; and~~

~~(3) is insured by the Secretary pursuant to title II of the National Housing Act (12 U.S.C. 1707 et seq.), or guaranteed by the Secretary pursuant to section 184 or 184A of the Housing and Community Development Act of 1992 (12 U.S.C. 1715z-13a, 1715z-13b);~~

~~(c) IMPLEMENTATION.— The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.~~

*** Sec. 40302. Community-led capacity building**

~~(a) APPROPRIATION.— In addition to amounts otherwise made available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the "Secretary") for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—~~

~~(1) \$90,000,000 for competitively awarded funds for technical assistance and capacity building to non-Federal entities, including nonprofit organizations that can provide technical assistance activities to community development corporations, community housing development organizations, community land trusts, nonprofit organizations in insular areas, and other mission-driven and nonprofit organizations that target services to low-income and socially disadvantaged populations, and provide services in neighborhoods having high concentrations of minority, low-income, or socially disadvantaged populations to—~~

~~(A) provide training, education, support, and advice to enhance the technical and administrative capabilities of community development corporations, community~~

~~housing development organizations, community land trusts, and other mission-driven and nonprofit organizations seeking to undertake affordable housing development, acquisition, preservation, or rehabilitation activities;~~

~~(B) provide grants or predevelopment assistance to community development corporations, community housing development organizations, and other mission-driven and nonprofit organizations seeking to undertake affordable housing development, acquisition, preservation, or rehabilitation activities; and~~

~~(C) carry out such other activities as may be determined by the grantees in consultation with the Secretary; and~~

~~(2) \$10,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Department's technical assistance programs generally, including information technology, research and evaluations, financial reporting, fair housing compliance, and other cross-program costs in support of programs administered by the Secretary in this title and other costs; the Secretary may transfer and merge amounts set aside under this subsection to section 40301.~~

~~Amounts appropriated by this section shall remain available until September 30, 2031.~~

~~(b) IMPLEMENTATION.— The Secretary shall have authority to issue such regulations or other notices, guidance, forms, instructions, and publications as may be necessary or appropriate to carry out the programs, projects, or activities authorized under this section, including to ensure that such programs, projects, or activities are completed in a timely and effective manner.~~

*** Sec. 40402. Manufacturing facility**

~~(a) IN GENERAL.— The State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5704 et seq.) is amended—~~

~~(1) in section 3003—~~

~~(A) in subsection (b), by adding at the end the following:~~

~~"(3) 2022 ALLOCATION.—~~

~~"(A) IN GENERAL.— Not later than 30 days after the date of enactment of this paragraph, the Secretary shall allocate Federal funds to participating States so that each State is eligible to receive an amount equal to what the State would receive under the 2022 allocation, as determined under subparagraph (B).~~

~~"(B) 2022 ALLOCATION FORMULA.—~~

~~"(i) IN GENERAL.— With respect to States, the Secretary shall determine the 2022 allocation by allocating Federal funds among the States based on the manufacturing job losses per State over the 30-year period ending on the date of enactment of this paragraph.~~

~~"(ii) MANUFACTURING JOB LOSS DATA.— If the Secretary determines that manufacturing job loss data with respect to a State is unavailable from the Bureau of Labor Statistics of the Department of Labor, the~~

~~Secretary shall consider such other economic and employment data that is otherwise available for purposes of determining the employment data of such State."; and~~

~~(B) by adding at the end the following:~~

~~"(g) RULES FOR THE 2022 ALLOCATION.— With respect to the 2022 allocation:~~

~~"(1) TRANSFER OF ALLOCATION.— The Secretary shall transfer the full amount of each allocation to a State in a single transfer and shall complete such transfer before September 30, 2022.~~

~~"(2) USE OF TRANSFERRED FUNDS.— States may use allocations of amounts appropriated for fiscal year 2022 to carry out the Program only—~~

~~"(A) for making Federal contributions to, or for the account of, an approved State program, for the purposes of, as determined by the Secretary of the Treasury—~~

~~"(i) maintaining the economic competitiveness of the United States;~~

~~"(ii) maintaining a strong manufacturing base in the United States; including promoting advanced manufacturing technology and innovative technology;~~

~~"(iii) increasing the supply and innovation of factory-built housing for affordability, accessibility, efficiency, and resilience; or~~

~~"(iv) helping the United States transition to clean energy or clean manufacturing processes to combat climate change or to invest in innovation for climate change adapted production processes;~~

~~"(B) as collateral for a qualifying loan or swap funding facility, for the purposes described under subparagraph (A); and~~

~~"(C) for paying administrative costs incurred by the State in implementing an approved State program in an amount not to exceed 5 percent of such State's allocation.~~

~~"(3) SPECIAL PERMISSION FOR CERTAIN MUNICIPALITIES.— Section 3004(d) shall apply to the 2022 allocation to the same extent as such provision applies to an allocation made under subsection (d), except that—~~

~~"(A) paragraph (1) of section 3004(d) shall be applied by substituting '6 months' for '9 months'; and~~

~~"(B) paragraph (2) of section 3004(d) shall be applied by substituting '9 months' for '12 months'"; and~~

~~(2) in section 3009(e), by striking "7-year period" and inserting "10-year period".~~

~~(b) APPROPRIATION.— In addition to amounts otherwise available, there is hereby appropriated to the Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until September 30, 2031, to carry out the amendments made by subsection (a).~~

~~(c) RULE OF APPLICATION.—The amendments made by this section shall apply with respect to funds appropriated on the date of enactment of this section.~~

*** Sec. 60001. Lawful permanent residence for certain entrants**

~~(a) IN GENERAL.—~~

~~Chapter 5 of title II of the Immigration and Nationality Act (8 U.S.C. 1255 et seq.) is amended by inserting after section 245A the following:~~

"Sec. 245B. Adjustment of status of certain entrants

~~"(a) IN GENERAL.—Notwithstanding sections 201, 202, 203, and 245(c), and subject to subsection (c), the Secretary of Homeland Security shall adjust to the status of an alien lawfully admitted for permanent residence, an alien described in subsection (b), if such alien—~~

~~"(1) submits an application for adjustment of status in accordance with procedures established by the Secretary;~~

~~"(2) in addition to any administrative processing fee, pays a supplemental fee of \$1,500; and~~

~~"(3) completes, to the satisfaction of the Secretary—~~

~~"(A) security and law enforcement background checks; and~~

~~"(B) a medical examination consistent with section 221(d).~~

~~"(b) ALIENS DESCRIBED.—An alien described in this subsection is an alien who—~~

~~"(1)~~

~~"(A) has been continuously physically present in the United States since January 1, 2021;~~

~~"(B) was 18 years of age or younger on the date on which the alien entered the United States and has continuously resided in the United States since such entry; and~~

~~"(C) demonstrates—~~

~~"(i) a record of honorable service in the Uniformed Services of the United States;~~

~~"(ii) attainment of, or completion of not less than 2 years, in good standing, of a program leading to—~~

~~"(I) a degree from a United States institution of higher education; or~~

~~"(II) a postsecondary credential from an area career and technical education school in the United States;~~

~~"(iii) during the 3-year period immediately preceding the date on which the alien submits an application for adjustment of status under this section, a consistent record of earned income in the United States; or~~

~~"(iv)~~

~~"(I) enrollment in a program described in clause (ii); and~~

~~"(1) current employment or participation in an internship, apprenticeship, or similar training program;~~

~~"(2)~~

~~"(A) has been continuously physically present in the United States since January 1, 2021; and~~

~~"(B) has demonstrated a consistent record of earned income in the United States in an occupation described in the guidance of the Department of Homeland Security entitled 'Advisory Memorandum on Ensuring Essential Critical Infrastructure Workers' Ability to Work During the COVID-19 Response', issued on August 10, 2021, during the period beginning on January 31, 2020, and ending on August 24, 2021;~~

~~"(3)~~

~~"(A) has been continuously physically present in the United States for not less than 3 years; and~~

~~"(B)~~

~~"(i) is a national of a foreign state (or a part of a foreign state) (or in the case of an alien having no nationality, is a person who last habitually resided in such state) with a designation under subsection (b) of section 244 on January 1, 2017;~~

~~"(ii) notwithstanding paragraphs (1)(A)(iv) and (3)(C) of subsection (c) of section 244, had or was otherwise eligible for temporary protected status under section 244 on that date; and~~

~~"(iii) has not engaged in conduct since that date that would render the alien ineligible for temporary protected status under section 244(c)(2); or~~

~~"(4)~~

~~"(A) has been continuously physically present in the United States for not less than 3 years; and~~

~~"(B)~~

~~"(i) was eligible for deferred enforced departure as of January 20, 2021; and~~

~~"(ii) has not engaged in conduct since that date that would render the alien ineligible for deferred enforced departure.~~

~~"(c) GROUNDS OF INELIGIBILITY.—~~

~~"(1) IN GENERAL.— Subject to paragraphs (2) and (3), an alien seeking adjustment of status under this section shall demonstrate that the alien—~~

~~"(A) is not inadmissible under paragraph (2), (3), (6)(E), (6)(G), (8), (10)(A), (10)(C), or (10)(D) of section 212(a);~~

~~"(B) has not ordered, incited, assisted, or otherwise participated in the persecution of any person on account of race, religion, nationality, membership in a particular social group, or political opinion;~~

~~"(C) has not been convicted of—~~

~~"(i) any offense under Federal or State law, other than a State offense for which an essential element is the alien's immigration status, that is punishable by a maximum term of imprisonment of more than 1 year; or~~

~~"(ii) 3 or more offenses under Federal or State law, other than State offenses for which an essential element is the alien's immigration status, for which the alien was convicted on different dates for each of the 3 offenses and imprisoned for an aggregate of 90 days or more; and~~

~~"(D) has registered under the Military Selective Service Act (50 U.S.C. 3804 et seq.), if the alien is subject to registration under that Act.~~

~~"(2) WAIVER.— With respect to any benefit under this section, the Secretary of Homeland Security may waive the grounds of inadmissibility under paragraph (2), (6)(E), (6)(G), or (10)(D) of section 212(a)—~~

~~"(A) for humanitarian purposes or family unity; or~~

~~"(B) if a waiver is otherwise in the public interest.~~

~~"(3) TREATMENT OF EXPUNGED CONVICTIONS.— For purposes of paragraph (1), the Secretary—~~

~~"(A) may not automatically treat an expunged conviction as a conviction; and~~

~~"(B) shall evaluate expunged convictions on a case-by-case basis according to the nature and severity of the underlying offense to determine whether, under the circumstances, the alien should be eligible for adjustment of status.~~

~~"(d) LIMITATION ON REMOVAL.—~~

~~"(1) IN GENERAL.— With respect to an alien who is in removal proceedings or subject to a final order of removal or an order of voluntary departure, the Secretary of Homeland Security shall provide the alien with a reasonable opportunity to apply for relief under this section if the alien—~~

~~"(A) requests an opportunity to so apply; or~~

~~"(B) appears to be prima facie eligible for such relief.~~

~~"(2) STAY OF REMOVAL FOR CERTAIN CHILDREN.— The Secretary of Homeland Security shall stay the removal of an alien who—~~

~~"(A) meets the requirements of subparagraphs (A) and (B) of subsection (b)(1);~~

~~"(B) subject to paragraphs (2) and (3) of subsection (c), is not subject to a ground of ineligibility under paragraph (1) of such subsection; and~~

~~"(C) is enrolled in—~~

~~"(i) an early childhood education program;~~

~~"(ii) an elementary school;~~

~~"(iii) a secondary school; or~~

~~"(iv) an education program assisting students in obtaining a high school diploma or its equivalent⁽¹⁾~~

~~"(e) EFFECTIVE DATE.— The section shall take effect on the earlier of—~~

~~"(1) the date that is 180 days after the date of the enactment of this section; or~~

~~"(2) May 1, 2022."~~

~~(b) CONFORMING AMENDMENT.—~~

~~The table of contents for the Immigration and Nationality Act (8 U.S.C. 1101 et seq.) is amended by inserting after the item relating to 245A the following:~~

~~"Sec. 245B. Adjustment of status of certain entrants."~~

*** ~~Sec. 70103. Indian Health Service~~**

~~(a) IHS INFORMATION TECHNOLOGY.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$140,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for Indian Health Service electronic records (25 U.S.C. 1660h), telehealth, system modernization, and information technology infrastructure:~~

~~(b) URBAN INDIAN HEALTH.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$42,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for the Urban Indian Health program for renovations, construction, expansion of facilities, including leased facilities, which shall be in addition to other amounts made available for Urban Indian organizations (as defined in section 4 of the Indian Health Care Improvement Act 25 U.S.C. 1603)) under this subsection:~~

~~(c) IHS FACILITIES MAINTENANCE.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$610,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for maintenance and improvement of Indian Health Service and Tribal facilities:~~

~~(d) GREEN INFRASTRUCTURE.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public~~

Health Service Act, with respect to the Indian Health Service, for sustainability features for existing facilities.

~~(e) INPATIENT AND COMMUNITY HEALTH FACILITIES.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$40,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for Inpatient and Community Health Facilities Design, Construction, in accordance with 25 U.S.C. 1665h.~~

~~(f) MEDICAL EQUIPMENT.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for maintaining, upgrading, and replacing medical equipment for IHS and Tribal facilities.~~

~~(g) SMALL AMBULATORY CONSTRUCTION.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$60,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for the small ambulatory construction program.~~

~~(h) PERSONNEL QUARTERS CONSTRUCTION.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$278,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination and Education Assistance Act, the Indian Health Care Improvement Act, and titles II and III of the Public Health Service Act, with respect to the Indian Health Service, for personnel quarters construction.~~

~~(i) IHS PRIORITY HEALTH CARE FACILITIES.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service 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, except that no amounts may be expended after September 30, 2031, for projects identified through the health care facility priority system established and maintained pursuant to section 301(e) of the Indian Health Care Improvement Act (25 U.S.C. 1631(e)).~~

~~(j) FACILITIES SUPPORT.— In addition to amounts otherwise available, there is appropriated to the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$170,000,000, to remain available until September 30,~~

2031, except that no amounts may be expended after September 30, 2031, for environmental health and facilities support activities of the Indian Health Service.

~~(k) NONRECURRING FUNDS.—Funds made available under this section to Tribes and Tribal organizations under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5301 et seq.) shall be available on a one-time basis. Such nonrecurring funds shall not be part of the amount required by section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5325), and such funds shall only be used for the purposes identified in this section.~~

*** ~~Sec. 70203. Presidio trust~~**

~~(a) PRESIDIO TRUST DEFINED.—With regard to this section, the term "Presidio Trust" means the entity established under section 103(a) of title I of division I of Public Law 104-333 and under the requirements placed upon that entity by section 104(a) of title I of division I of Public Law 104-333.~~

~~(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Presidio Trust for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$200,000,000, to remain available until September 30, 2026, for carrying out projects identified by the Presidio Trust in accordance with the purposes identified under the first section of Public Law 92-589 (16 U.S.C. 460bb).~~

*** ~~Sec. 70204. Grand Canyon~~**

~~(a) DEFINITION.—In this section:~~

~~(1) DISPOSAL.—The term "disposal" means that the lands identified are not available under the proceedings outlined under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713).~~

~~(2) ENTRY.—The term "entry" has the meaning as it is used under section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)), in its application to lands under the jurisdiction of the Secretary.~~

~~(3) GRAND CANYON PROTECTION AREA.—The term "Grand Canyon Protection Area" means the approximately 1,054,923 acres of land depicted as "Federal Mineral Estate to be Withdrawn" on the map entitled "Grand Canyon Protection Area" and dated August 23, 2021.~~

~~(4) LOCATION.—The term "location" has the meaning as it is used under section 2320 of the Revised Statutes (30 U.S.C. 23), in its application to lands under the jurisdiction of the Secretary.~~

~~(5) PATENT.—The term "patent" has the meaning as it is used under section 2325 of the Revised Statutes (30 U.S.C. 29), in its application to lands under the jurisdiction of the Secretary.~~

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

~~(b) WITHDRAWAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for ^(f) fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,500,000, to remain available until September 30, 2026, to carry~~

out, subject to valid rights in existence on the date of enactment of this section, the withdrawal of the Grand Canyon Protection Area from all forms of disposal, location, entry, and patent.

*** ~~Sec. 70302. Emergency drought relief~~**

~~(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until September 30, 2026, except that no amounts shall be expended after September 30, 2026, for near-term drought relief actions carried out under—~~

~~(1) the Reclamation States Emergency Drought Relief Act of 1991 (Public Law 102-250);~~

~~(2) the Klamath Basin Water Supply Enhancement Act of 2000 (Public Law 106-498);~~

~~(3) section 201 of division D of Public Law 108-7; or~~

~~(4) section 1109 of division FF of Public Law 116-260.~~

~~(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent may be used for administrative costs to carry out this section.~~

*** ~~Sec. 70401. Efficient and effective NEPA implementation~~**

~~In addition to amounts otherwise available, there is appropriated to the Department of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to provide for more efficient and more effective environmental reviews under the National Environmental Policy Act of 1969 through the hiring and training of additional personnel, the development of programmatic assessments or templates, the procurement of technical or scientific services, the development of data or technology systems, stakeholder and community engagement, and the purchase of new equipment.~~

*** ~~Sec. 70509. Civilian Climate Corps at NOAA~~**

~~(a) NOAA CIVILIAN CLIMATE CORPS.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$120,000,000, to remain available until September 30, 2026, to carry out education and job training projects that conserve, restore, construct, or rehabilitate natural, cultural, historic, archaeological, recreational, or scenic resources through direct expenditure, contracts, grants, and cooperative agreements. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.~~

~~(b) ADMINISTRATIVE EXPENSES.—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.~~

*** ~~Sec. 70510. NOAA hatcheries~~ (I)**

~~(a) NOAA HATCHERIES.~~ In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available until September 30, 2026, for grants to States and Indian Tribes (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304), to repair, replace, and upgrade hatchery infrastructure for production of a marine fishery. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

~~(b) FUNDING ELIGIBILITY.~~ To be eligible to receive funding under this section, non-Tribal grantees must demonstrate compliance with prevailing wage requirements.

*** ~~Sec. 70505. Blue carbon~~**

~~In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$95,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of section 117 of the Magnuson-Stevens Fishery Conservation and Management Reauthorization Act of 2006 (16 U.S.C. 1891a); and section 309 of the National Marine Sanctuaries Act (16 U.S.C. 1440); for research and extension activities to characterize, quantify, map, and study blue carbon ecosystems or protection and restoration efforts in blue carbon ecosystems, which include marine and coastal freshwater, brackish, and saltwater-fed ecosystems, such as coastal wetland forest and other tidal or historically tidal wetlands that have the capacity to sequester carbon from the atmosphere for a period of not less than 100 years in the Gulf of Mexico region.~~

*** ~~Sec. 70506. Coastal hazards in United States insular areas~~**

~~In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration 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 amounts may be expended after September 30, 2031, for carrying out the provisions of the Integrated Coastal and Ocean Observation System Act of 2009 (33 U.S.C. 3601); section 4 of the Digital Coast Act (16 U.S.C. 1467, and section 303 of the Hydrographic Services Improvement Act (33 U.S.C. 892a) to improve weather data collection and provide science, data, information, and impact-based decision support services to reduce tsunami, hurricane, typhoon, drought, tide, and sea-level rise impacts in Insular Areas.~~

*** ~~Sec. 70507. NMFS shoreside facilities~~**

~~In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$150,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of sections 404 through 408 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1881e-1884), to replace, renovate, or maintain aging facilities in need of repair or replacement including piers, fisheries laboratories, and laboratory facilities.~~

*** ~~Sec. 70512. Working waterfronts~~**

~~(a) WORKING WATERFRONTS.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$160,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of section 309 of the Coastal Zone Management Act (16 U.S.C. 1456b) through direct expenditure, contracts, grants, and cooperative agreements for projects that preserve and protect coastal access for water-dependent commercial activities.~~

~~(b) FUNDING ELIGIBILITY.—To be eligible to receive funding under this section, the grantee must demonstrate compliance with prevailing wage requirements.~~

*** ~~Sec. 70513. Marine Sanctuary and National Estuarine Research Reserve Maintenance Backlog~~**

~~In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$98,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for carrying out the provisions of the National Marine Sanctuary Act (16 U.S.C. 1431) and the Coastal Zone Management Act (16 U.S.C. 1461) for construction, maintenance, and renovation of facilities of National Marine Sanctuaries and National Estuarine Research Reserves.~~

*** ~~Sec. 70201. Oak flat withdrawal~~**

~~(a) DEFINITIONS.—In this section:~~

~~(1) DISPOSAL.—The term "disposal" means that the lands identified are not available under the proceedings outlined under section 203 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1713).~~

~~(2) ENTRY.—The term "entry" has the meaning as it is used under section 103(j) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702(j)), in its application to lands under the jurisdiction of the Secretary.~~

~~(3) LOCATION.—The term "location" has the meaning as it is used under section 2320 of the Revised Statutes (30 U.S.C. 23), in its application to lands under the jurisdiction of the Secretary;~~

~~(4) OAK FLAT WITHDRAWAL AREA.—the term "Oak Flat" means the approximately 2,422 acres of Forest System land in the Tonto National Forest in southeastern Arizona commonly known as "Oak Flat" and generally depicted as "Oak Flat Withdrawal Area" on the map titled "Oak Flat Withdrawal" and dated June 15, 2021.~~

~~(5) PATENT.—The term "patent" has the meaning as it is used under section 2325 of the Revised Statutes (30 U.S.C. 29), in its application to lands under the jurisdiction of the Secretary.~~

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

~~(b) REPEAL.—Section 3003 of the Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 (16 U.S.C. 539p) is repealed.~~

~~(c) WITHDRAWAL.—Subject to valid rights in existence on the date of the enactment of this section, Oak Flat is withdrawn from all forms of disposal, location, entry, and patent.~~

*** ~~Sec. 70804. Offshore wind for the territories~~**

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

~~(1) IN GENERAL.—Section 2 of the Outer Continental Shelf Lands Act (43 U.S.C. 1331) is amended—~~

~~(A) in subsection (a)—~~

~~(i) by striking "The term" and inserting the following:~~

~~"(1) The term"~~

~~(ii) by inserting after "control" the following: "or lying within the exclusive economic zone of the United States and the outer Continental Shelf adjacent to any territory of the United States"; and~~

~~(iii) by adding at the end the following:~~

~~"(2) The term 'outer Continental Shelf' does not include any area conveyed by Congress to a territorial government for administration.;"~~

~~(B) in subsection (p), by striking "and" after the semicolon at the end;~~

~~(C) in subsection (q), by striking the period at the end and inserting "; and"; and~~

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

~~"(r) The term 'State' means any of the several States and also includes Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands.;"~~

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

~~"(i) This section shall not apply to the scheduling of any lease sale in an area of the outer Continental Shelf that is adjacent to Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, or the Commonwealth of the Northern Mariana Islands.;"~~

~~(b) WIND LEASE SALES FOR AREAS OF THE OUTER CONTINENTAL SHELF.—~~

~~The Outer Continental Shelf Lands Act (43 U.S.C. 1331 et seq.) is amended by adding at the end the following:~~

~~"Sec. 33. Wind lease sales for areas of the outer continental shelf offshore of territories of the United States~~

~~"(a) WIND LEASE SALES OFF COASTS OF TERRITORIES OF THE UNITED STATES.—~~

~~"(1) CALL FOR INFORMATION AND NOMINATIONS.—The Secretary shall issue a call for information and nominations for proposed wind lease sales for areas determined to be feasible.~~

~~"(2) ⁽¹⁾CONDITIONAL WIND LEASE SALES.—For areas lying within the exclusive economic zone of the United States adjacent to Puerto Rico, Guam, American Samoa;~~

the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands, the Secretary shall conduct not less than one wind lease sale in each such area, so long as:

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

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

"(C) The Secretary has consulted with other relevant Federal agencies regarding such sale.

"(D) The Secretary has consulted with the Governor of the territory regarding the suitability of the area for wind energy development.".

*** Sec. 70802. Leasing on the outer continental shelf**

(a) ~~LEASING AUTHORIZED.~~— The Secretary of the Interior is authorized to grant leases, easements, and rights-of-way pursuant to section 8(p)(1)(C) of the Outer Continental Shelf Lands Act (43 U.S.C. 1337(p)(1)(C)) in the areas withdrawn by the Presidential Memorandum entitled "Memorandum on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition" (issued September 8, 2020) and the Presidential Memorandum entitled "Presidential Determination on the Withdrawal of Certain Areas of the United States Outer Continental Shelf from Leasing Disposition" (issued September 25, 2020).

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

*** Sec. 70902. Native Hawaiian climate resilience**

~~In addition to amounts otherwise available, there is appropriated to the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$30,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, through direct expenditure, contracts, grants, and cooperative agreements to provide funding and technical assistance for climate resilience and adaptation programs that serve the Native Hawaiian people.~~

*** Sec. 100001. Definitions**

~~In this title—~~

~~(1) the terms "Administration" and "Administrator" mean the Small Business Administration and the Administrator thereof, respectively; and~~

~~(2) the term "small business concern" has the meaning given under section 3 of the Small Business Act (15 U.S.C. 632).~~

*** Sec. 10106. Urban parks**

(1)

~~In addition to amounts otherwise available, there is appropriated to the National Park Service for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2026, to carry out direct, competitive grants to localities to create or significantly enhance access to parks or outdoor recreation facilities in urban areas, in accordance with the authorities outlined under section 200305(e)(2)(A) or 200305(e)(3) of title 54, United States Code, and subject to limitations outlined under section 200305(f)(3) of such title, of which no more than 2 percent shall be used for administrative costs to carry out this section.~~

*** Sec. 70207. Every kid outdoors**

~~(a) DEFINITIONS.—With respect to this section:~~

~~(1) FEDERAL LAND AND WATERS.—The term "Federal land and waters" means any Federal land or body of water under the jurisdiction of the Director to which the public has access.~~

~~(2) DIRECTOR.—The term "Director" means the Director of the National Park Service.~~

~~(3) STUDENT OR STUDENTS.—The term "student" or "students" means any fourth, fifth, or sixth grader or home-schooled learner 10 years of age residing in the United States.~~

~~(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Park Service 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 amounts may be expended after September 30, 2031, for the carrying out of the issuance and administration of passes, effective during the period beginning on September 1 and ending on August 31 of the following year, at the request of a student, which allows access, when the student to which the pass was issued is present, to Federal lands and waters for which access is subject to an entrance, standard amenity, or day use fee, free of charge for the student and three accompanying adults, and for carrying out the purposes outlined under section 9004(b)(3)(D) of Public Law 116-9.~~

*** Sec. 70208. National Park Service climate resilience**

~~In addition to amounts otherwise available, there is appropriated to the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$115,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the protection, restoration, and resiliency of public lands and resources in accordance with the purposes outlined in section 100104(a) of title 54, United States Code. None of the funds provided by this section shall be subject to cost-sharing requirements.~~

*** Sec. 70209. Bureau of Land Management climate resilience**

~~In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$110,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the protection, restoration, and~~

~~resiliency of public lands and resources in accordance with the purposes outlined in section 402(a)(8) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701(a)(8). None of the funds provided by this section shall be subject to cost-sharing requirements.~~

*** Sec. 70211. Thompson Divide**

~~(a) THOMPSON DIVIDE WITHDRAWAL.—~~

~~(1) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA DEFINED.— For the purposes of this subsection, the term "Thompson Divide Withdrawal and Protection area" means the Federal land and minerals generally depicted as the "Thompson Divide Withdrawal and Protection Area" on the map entitled "Greater Thompson Divide Area Map" and dated June 13, 2019.~~

~~(2) WITHDRAWAL.— Subject to valid rights in existence on the date of the enactment of this section, the Thompson Divide Withdrawal and Protection Area is withdrawn from—~~

~~(A) entry, appropriation, and disposal under the public land laws;~~

~~(B) location, entry, and patent under the mining laws; and~~

~~(C) operation of the mineral leasing, mineral materials, and geothermal leasing laws.~~

~~(b) THOMPSON DIVIDE LEASE PAYMENTS.—~~

~~(1) THOMPSON DIVIDE WITHDRAWAL AND PROTECTION AREA DEFINED.— With regard to this subsection, the term "Thompson Divide Withdrawal and Protection Area" means the Federal land and minerals generally depicted as the "Thompson Divide Withdrawal and Protection Area" on the map entitled "Greater Thompson Divide Area Map" and dated June 13, 2019.~~

~~(2) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$500,000 to remain available until September 30, 2026, to acquire, from willing sellers, the rights to oil or gas leases within the Thompson Divide Withdrawal and Protection Area, provided such leases are in effect on the date of enactment of this subsection. All rights acquired under this subsection shall be permanently cancelled and unavailable for reissue.~~

~~(3) ADMINISTRATIVE EXPENSES.— Of the funds provided by this subsection, no more than 2 percent shall be used for administrative costs to carry out this subsection.~~

~~(c) FUGITIVE COAL MINE METHANE USE PILOT PROGRAM.—~~

~~(1) PILOT PROGRAM AREA DEFINED.— For the purposes of this subsection, the term "pilot program area" means the areas identified as "Coal Mine Methane Capture Areas" on the map entitled "Greater Thompson Divide Fugitive Coal Mine Methane Use Pilot Program Area" and dated June 17, 2019.~~

~~(2) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,000,000 to remain available until September 30, 2026, for carrying out a pilot program in the pilot program area to inventory and, subject to valid~~

~~existing rights, to lease, capture, mitigate or sequester methane emissions that would leak or be vented into the atmosphere from an active, inactive, or abandoned underground coal mine.~~

*** Sec. 70212. Chaco canyon**

(a) ~~DEFINITIONS.~~—For the purposes of this section:

~~(1) CHACO CULTURAL HERITAGE WITHDRAWAL AREA.~~—The term "Chaco Cultural Heritage Withdrawal Area" means the Federal land generally depicted as the "Chaco Cultural Heritage Withdrawal Area" on the map entitled "Chaco Cultural Heritage Withdrawal Area" and dated April 2, 2019.

~~(2) NON-PRODUCING LEASES.~~—The term "non-producing leases" means any oil and gas lease on Federal land within the Chaco Cultural Heritage Withdrawal Area—

~~(A) on which drilling operations have not been commenced before the end of the primary term of the applicable lease;~~

~~(B) that is not producing oil and gas in paying quantities; and,~~

~~(C) that is not subject to a valid cooperative or unit plan of development.~~

~~(b) WITHDRAWAL.~~—Subject to valid rights in existence on the date of enactment of this section, the Chaco Cultural Heritage Withdrawal Area is withdrawn from—

~~(1) entry and disposal under the public land laws;~~

~~(2) location, entry, and patent under the mining laws; and~~

~~(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.~~

~~(c) NON-PRODUCING LEASES.~~—A non-producing lease shall terminate pursuant to section 17(e) of the Mineral Leasing Act (30 U.S.C. 226(e)) and subpart 3408 of title 43, Code of Federal Regulations, and may not be extended.

*** Sec. 70307. Snow water supply forecasting**

~~(a) IN GENERAL.~~—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation 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 amounts may be expended after September 30, 2031, for carrying out section 1414 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

~~(b) ADMINISTRATIVE EXPENSES.~~—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

*** Sec. 70308. Water technology investment**

~~(a) IN GENERAL.~~—In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation 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 amounts may be expended after September 30, 2031, for carrying out section 1412 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260).

~~(b) ADMINISTRATIVE EXPENSES.~~—Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.

*** ~~Sec. 70309. Aquatic ecosystem restoration~~**

~~(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available until September 30, 2031, except that no amounts may be expended before fiscal year 2027 or after September 30, 2031, for carrying out section 1109 of division FF of the Consolidated Appropriations Act, 2021 (Public Law 116-260).~~

~~(b) ADMINISTRATIVE EXPENSES.— Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.~~

*** ~~Sec. 70608. Funding for the united states fish and wildlife service to address climate-induced weather events~~**

~~(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service 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 amounts may be expended after September 30, 2031, for the purposes of carrying out the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661), through direct expenditure, contracts, grants, and cooperative agreements, for the purposes of rebuilding and restoring units of the National Wildlife Refuge System, other Federal public assets, and State wildlife management areas including by addressing the threat of invasive species, increasing the resiliency and capacity of habitats and infrastructure to withstand weather events, or reducing the amount of damage caused by these events. None of the funds provided by this section shall be subject to cost-share requirements.~~

~~(b) ADMINISTRATIVE EXPENSES.— Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.~~

*** ~~Sec. 70609. Funding for the united states fish and wildlife service for wildlife corridor conservation~~**

~~In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until September 30, 2026, except that no amounts may be expended after September 30, 2026, to carry out the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661) through direct expenditure,, contracts, grants, and cooperative agreements, for mapping wildlife corridors and providing assistance to States and Indian Tribes as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304) for the conservation and restoration of wildlife corridors.~~

*** ~~Sec. 70610. Funding for the united states fish and wildlife service for grassland restoration~~**

~~In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2026, except that no~~

amounts may be expended after September 30, 2026, to carry out the provisions of the Fish and Wildlife Act of 1956 (16 U.S.C. 742a) and the Fish and Wildlife Coordination Act (16 U.S.C. 661) through direct expenditure, contracts, grants, and cooperative agreements, for the protection and restoration of grassland habitats.

*** ~~Sec. 70703. Settlement of claims against the United States for certain residents of the island of Vieques, Puerto Rico~~**

~~(a) IN GENERAL.—~~ In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$300,000,000, to remain available until September 30, 2031, except that no amounts may be made available after September 30, 2031, to compensate through the appointment of a Special Master, the municipality of Vieques, and an individual claimant who is or was a resident, the child of a resident, or an immediate heir (as determined by the laws of Puerto Rico) of a deceased claimant who was a resident on the island of Vieques, Puerto Rico, in the period or after the United States Government used the island of Vieques, Puerto Rico, for military readiness.

~~(b) ADMINISTRATIVE EXPENSES.—~~ Of the funds provided by this section, not more than 2 percent shall be used for administrative costs to carry out this section.

*** ~~Sec. 70805. Civil and criminal penalties~~**

~~(a) MINERAL LEASING ACT.—~~ Section 41 of the Mineral Leasing Act (30 U.S.C. 195) is amended—

~~(1) in subsection (b), by striking "\$500,000" and inserting "\$1,000,000"; and~~

~~(2) in subsection (c), by striking "\$100,000" and inserting "\$250,000".~~

~~(b) FEDERAL OIL AND GAS ROYALTY MANAGEMENT ACT OF 1982.—~~ The Federal Oil and Gas Royalty Management Act of 1982 is amended—

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

~~(A) in subsection (a)(2), by striking "\$500" and inserting "\$1,500";~~

~~(B) in subsection (b), by striking "\$5,000" and inserting "\$15,000";~~

~~(C) in subsection (c)(3), by striking "\$10,000" and inserting "\$30,000";~~

~~(D) in subsection (d)(3), by striking "\$25,000" and inserting "\$75,000";~~

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

~~(F) by adding at the end:~~

~~"(n) INFLATION ADJUSTMENT OF MAXIMUM PENALTIES.—~~

~~"(1) The maximum civil penalty amounts listed in subsections (a) through (d) shall automatically adjust for inflation on the 1st day of each calendar year in accordance with the provisions of this subsection:~~

~~"(2) The inflation adjustment under this subsection shall be based on the Consumer Price Index (CPI-U) published by the Department of Labor for all Urban Consumers (CPI-U) and shall be calculated by the percentage change, if any,~~

by which the GPI-U for the month of October preceding the adjustment date exceeds the GPI-U for the month of October one year before.

~~"(3) The Secretary will provide sufficient notice of adjusted penalties by publishing the adjusted maximum civil penalty amounts on a public website of the Department.~~

~~"(4) The Secretary will provide notice, in writing, to the Committee on Natural Resources of the Department's intent to adjust such penalties 180 days before publishing the adjusted maximum civil penalty amounts on a public website of the Department under paragraph (3)."; and~~

~~(2) in section 110, by striking "\$50,000" and inserting "\$150,000".~~

~~(c) OUTER CONTINENTAL SHELF LANDS ACT.—~~

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

~~"(b) CIVIL PENALTIES.—~~

~~"(1) IN GENERAL.— Except as provided in paragraph (2), any person who fails to comply with any provision of this Act, or any term of a lease, license, or permit issued pursuant to this Act, or any regulation or order issued under this Act, shall be liable for a civil administrative penalty of not more than \$75,000 for each day of the continuance of such failure. The Secretary may assess, collect, and compromise any such penalty.~~

~~"(2) OPPORTUNITY FOR A HEARING.— No penalty shall be assessed until the person charged with a violation has been given an opportunity for a hearing.~~

~~"(3) ADJUSTMENT FOR INFLATION.— The Secretary shall, by regulation at least every 3 years, adjust the penalty specified in this paragraph to reflect any increases in inflation.~~

~~"(4) THREAT OF HARM.— If a failure described in paragraph (1) constitutes or constituted a threat of harm or damage to life, property, any mineral deposit, or the marine, coastal, or human environment, a civil penalty of not more than \$150,000 shall be assessed for each day of the continuance of the failure."~~

~~(2) KNOWING AND WILLFUL VIOLATIONS.— Section 24(c) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(c)) is amended by striking "\$100,000" and inserting "\$1,000,000".~~

~~(3) OFFICERS AND AGENTS OF CORPORATIONS.— Section 24(d) of the Outer Continental Shelf Lands Act (43 U.S.C. 1350(d)) is amended by striking "knowingly and willfully authorized, ordered, or carried out" and inserting "authorized, ordered, carried out, or through reckless disregard of the law caused".~~

*** Sec. 70806. Technical amendments to FOGRMA**

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

(1) in paragraph (20)(A), by striking "*Provided, That*" and all that follows through "subject of the judicial proceeding";

(2) in paragraph (20)(B), by striking "(with written notice to the lessee who designated the designee)";

(3) in paragraph (23)(A), by striking "(with written notice to the lessee who designated the designee)";

(4) by amending paragraph (24) to read as follows:

"(24) 'designee' means a person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments a lessee must make pursuant to section 102(a);"

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

(A) by striking "(subject to the provisions of section 102(a) of this Act)"; and

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

"(IV) any assignment, that arises from or relates to any lease, easement, right-of-way, permit, or other agreement regardless of form administered by the Secretary for, or any mineral leasing law related to, the exploration, production, and development of oil and gas or other energy resource on Federal lands or the Outer Continental Shelf,"; and

(6) in paragraph (29), by inserting "or permit" after "lease".

(b) COMPLIANCE REVIEWS.—

Section 404 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1711) is amended by adding at the end the following new subsection:

"(d) The Secretary may, as an adjunct to audits of accounts for leases, conduct compliance reviews of accounts. Such reviews shall not constitute nor substitute for audits of lease accounts. The Secretary shall immediately refer any disparity uncovered in such a compliance review to a program auditor. The Secretary shall, before completion of a compliance review, provide notice of the review to designees whose obligations are the subject of the review."

(c) LIABILITY FOR ROYALTY PAYMENTS.—

Section 402(a) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1712(a)) is amended to read as follows:

"(a) LIABILITY FOR ROYALTY PAYMENTS.—

"(1) TIME AND MANNER OF PAYMENT.— In order to increase receipts and achieve effective collections of royalty and other payments, a lessee who is required to make any royalty or other payment under a lease, easement, right-of-way, permit, or other agreement, regardless of form, or under the mineral leasing laws, shall make such payment in the time and manner as may be specified by the Secretary or the applicable State:

(1)

~~"(2) DESIGNEE.— Any person who pays, offsets, or credits monies, makes adjustments, requests and receives refunds, or submits reports with respect to payments the lessee must make is the lessee's designee under this Act.~~

~~"(3) LIABILITY.— A designee shall be liable for any payment obligation of any lessee on whose behalf the designee pays royalty under the lease. The person owning operating rights in a lease and a person owning legal record title in a lease shall be liable for that person's pro rata share of payment obligations under the lease."~~

~~(d) RECORDKEEPING.— Section 103(b) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1743(b)) is amended by striking "6" and inserting "7".~~

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

~~(1) in subsection (a) —~~

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

~~"(3)~~

~~"(A) An adjustment or a request for a refund for an obligation may be made after the adjustment period only upon written notice to and approval by the Secretary or the applicable delegated State, as appropriate, during an audit of the period which includes the production month for which the adjustment is being made.~~

~~"(B) Except as provided in subparagraph (C), no adjustment may be made with respect to an obligation after the completion of an audit or compliance review of such obligation unless such adjustment is approved by the Secretary or the applicable delegated State, as appropriate.~~

~~"(C) If an overpayment is identified during an audit, the Secretary shall allow a credit in the amount of the overpayment."; and~~

~~(B) in paragraph (4) —~~

~~(i) by striking "six-year" and inserting "four-year"; and~~

~~(ii) by striking "period shall" and inserting "period may"; and~~

~~(2) in subsection (b)(1) —~~

~~(A) in subparagraph (C), by striking "and";~~

~~(B) in subparagraph (D), by striking the period and inserting "; and"; and~~

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

~~"(E) is made within the adjustment period for that obligation."~~

~~(f) OBLIGATION PERIOD.—~~

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

~~"(1) The Secretary or a delegated State shall commence a judicial proceeding or dem and which arises from, or relates to an obligation, within seven years from the date on which the obligation becomes due and if not so commenced shall be barred. A lessee shall commence a judicial proceeding or demand which arises from, or~~

~~relates to an obligation, within four years from the date on which an obligation becomes due and if not so commenced shall be barred. If the Secretary, a delegated State, a lessee, or designee is barred from commencement of a judicial proceeding or demand for an obligation, it—~~

~~"(A) shall not take any other or further action regarding that obligation, including (but not limited to) the issuance of any order, request, demand or other communication seeking any document, accounting, determination, calculation, recalculation, payment, principal, interest, assessment, or penalty or the initiation, pursuit or completion of an audit with respect to that obligation; and~~

~~"(B) shall not pursue any other equitable or legal remedy, including equitable recoupment, whether under statute or common law, with respect to an action on, defense against, or an enforcement of said obligation."~~

~~(2) Section 115(c) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(c)) is amended by adding at the end the following new paragraph:~~

~~"(3) ADJUSTMENTS.— In the case of an adjustment under section 111A(a) in which a recoupment by the lessee results in an underpayment of an obligation, the obligation becomes due on the date the lessee or its designee makes the adjustment."~~

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

~~(1) in paragraph (1), in the heading, by striking "33-month" and inserting "48-month";~~

~~(2) by striking "33 months" each place it appears and inserting "48 months"; and~~

~~(3) by striking "33-month" each place it appears and inserting "48-month".~~

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

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

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

~~(A) an amount that the Secretary determines is sufficient to ensure filing of data in accordance with that Act; and~~

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

~~(3) CONTENT OF REGULATIONS.— Except as provided in paragraph (2), the regulations issued under this section shall be substantially similar to section 216.40 of title 30, Code of Federal Regulations, as most recently in effect before the date of enactment of this Act.~~

~~(i) SHARED PENALTIES.— Section 206 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1736) is amended by striking "Any payments under this section shall be reduced by an amount equal to any payments provided or due to such State or Indian Tribe~~

~~under the cooperative agreement or delegation, as applicable, during the fiscal year in which the civil penalty is received, up to the total amount provided or due for that fiscal year."~~

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

~~(1) in subsection (a)—~~

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

~~"(3)~~

~~"(A) An adjustment or a request for a refund for an obligation may be made after the adjustment period only upon written notice to and approval by the Secretary or the applicable delegated State, as appropriate, during an audit of the period which includes the production month for which the adjustment is being made.~~

~~"(B) Except as provided in subparagraph (C), no adjustment may be made with respect to an obligation after the completion of an audit or compliance review of such obligation unless such adjustment is approved by the Secretary or the applicable delegated State, as appropriate.~~

~~"(C) If an overpayment is identified during an audit, the Secretary shall allow a credit in the amount of the overpayment."; and~~

~~(B) in paragraph (4)—~~

~~(i) by striking "six-year" and inserting "four-year"; and~~

~~(ii) by striking "period shall" and inserting "period may"; and~~

~~(2) in subsection (b)(1)—~~

~~(A) in subparagraph (C), by striking "and";~~

~~(B) in subparagraph (D), by striking the period and inserting "; and"; and~~

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

~~"(E) is made within the adjustment period for that obligation."~~

~~(k) TOLLING AGREEMENTS AND SUBPOENAS.—~~

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

~~(A) by striking "(with notice to the lessee who designated the designee)"; and~~

~~(B) by adding at the end "A tolling agreement executed by a designee shall bind both the owner of legal record title in a lease and the owner of operating rights in a lease, and any designee. The owner of the legal record title and the owner of operating rights in a lease shall be bound by the tolling agreement to the extent of their pro rata share of payment obligations under the lease."~~

~~(2) SUBPOENAS.— Section 115(d)(2)(A) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1724(d)(2)(A)) is amended by striking "(with notice to the lessee who designated the designee, which notice shall not constitute a subpoena to the lessee)";~~

~~(l) REQUIRED RECORDKEEPING FOR NATURAL GAS PLANTS.—~~

~~(1) Not later than 1 year after the date of enactment of this Act, the Secretary of the Interior shall publish final regulations with respect to required recordkeeping, under the authority provided in section 103 of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1713), as amended by this Act.~~

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

~~"(a) A lessee, operator, or other person directly involved in developing, producing, treating, transporting, processing, purchasing, or selling oil or gas subject to this chapter through the point of first arm's-length sale, the point of royalty determination, or the point that processing is complete, whichever is later, shall establish and maintain any records; make any reports, and provide any information that the Secretary may, by rule, reasonably require for the purposes of implementing this chapter or determining compliance with rules or orders under this chapter. Upon the request of any officer or employee duly designated by the Secretary or any State or Indian Tribe conducting an audit or investigation pursuant to this chapter, the appropriate records, reports, or information which may be required by this section shall be made available for inspection and duplication by such officer or employee, State, or Indian Tribe."~~

~~(m) ENTITLEMENTS.—~~

~~(1) DIRECTED RULEMAKING.— Not later than 180 days after the date of enactment of this Act, the Secretary of the Interior shall publish final regulations prescribing when a Federal lessee or designee must report and pay royalties on oil and gas production for each month based on—~~

~~(A) the volume of oil and gas produced from a lease or allocated to the lease in accordance with the terms of a unit or communitization agreement; or~~

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

~~(2) 100 PERCENT ENTITLEMENT REPORTING AND PAYING.— The Secretary shall give consideration to requiring all reporting and paying based on the volume of oil and gas produced from a lease or allocated to the lease in accordance with the terms of a unit or communitization agreement without regard to the actual volume of oil and gas sold by or on behalf of a lessee.~~

~~(3) VOLUME ALLOCATION OF OIL AND GAS PRODUCTION.— Section 111(i) of the Federal Oil and Gas Royalty Management Act of 1982 (30 U.S.C. 1721(i)) is amended to read:~~

~~"(i) VOLUME ALLOCATION OF OIL AND GAS PRODUCTION.— Except as otherwise provided by this subsection—~~

~~"(A) a lessee or its designee of a lease in any unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the volume of oil and gas produced from such agreement and allocated to the lease in accordance with the terms of the agreement; and~~

~~"(B) a lessee or its designee of a lease that is not contained in a unit or communitization agreement shall report and pay royalties on oil and gas production for each production month based on the volume of oil and gas produced from the lease unless the Secretary promulgates a final rule to allow or require that the lessee report and pay royalties on oil and gas production for each production month based on the actual volume of production sold by or on behalf of that lessee."~~

*** ~~Sec. 100301. Growth Accelerator Competition~~**

~~(a) APPROPRIATIONS.—~~

~~(1) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$400,000,000, to remain available until September 30, 2031, for carrying out section 52 of the Small Business Act, as added by subsection (b).~~

~~(2) SET ASIDE.— Of the amounts made available under this subsection for a fiscal year, not more than 5 percent shall be available for administrative expenses related to carrying out this section.~~

~~(b) IN GENERAL.—~~

The Small Business Act (15 U.S.C. 631 et seq.) is amended by inserting after section 51, as added by section 10202 of this title, the following:

~~"Sec. 52. Growth Accelerator Competition~~

~~"(a) DEFINITIONS.— In this section:~~

~~"(1) AWARD.— The term 'award' means a grant, prize, contract, cooperative agreement, or other cash or cash equivalent (as determined by the Administrator).~~

~~"(2) DISABILITY.— The term 'disability' has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990.~~

~~"(3) ELIGIBLE ENTITY.— The term 'eligible entity' means—~~

~~"(A) an eligible entity, as defined in section 40; or~~

~~"(B) an organization that is a growth accelerator located in the United States.~~

~~"(4) GROWTH ACCELERATOR.— The term 'growth accelerator' means an organization that—~~

~~"(A) supports new small business concerns that have a focus on technology, research, and development;~~

~~"(B) frequently provides, but is not exclusively designed to provide, seed investment in exchange for a small amount of equity;~~

~~"(C) works with a new small business concern for a predetermined amount of time;~~

~~"(D) provides mentorship and instruction to small business concerns to scale businesses; or~~

~~"(E) offers startup capital or the opportunity to raise capital from outside investors.~~

~~"(5) NEW SMALL BUSINESS CONCERN.—The term 'new small business concern' means a small business concern that has been in operation for not more than 5 years.~~

~~"(b) ESTABLISHMENT.—The Administrator shall make competitive awards of not less than \$100,000 to eligible entities to accelerate the growth of new small business concerns by providing—~~

~~"(1) assistance to small business concerns with accessing capital and finding mentors and networking opportunities; and~~

~~"(2) advice to small business concerns, including advising on market analysis, company strategy, revenue growth, commercialization, and securing funding.~~

~~"(c) USE OF FUNDS.—An award under this section—~~

~~"(1) may be used by an eligible entity for construction costs, acquisition of physical workspace and facilities, and programmatic purposes to benefit new small business concerns; and~~

~~"(2) may not be used by an eligible entity to provide capital to new small business concerns directly or through the subaward of funds.~~

~~"(d) APPLICATION.—In making awards under this section, the Administrator shall establish an application process and selection criteria, which shall include—~~

~~"(1) assurances that the eligible entity will use such award to provide assistance for not less than 5 new small business concerns each year;~~

~~"(2) if located within 20 miles of a minority serving institution, proof of a referral or programmatic relationship between the eligible entity and such institution;~~

~~"(3) an assessment of the need for additional assistance for new small business concerns in the geographic area to be served by the eligible entity; and~~

~~"(4) other criteria, as determined by the Administrator.~~

~~"(e) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible entity or order the eligible entity to return an award made under this section for failure to abide by the terms and conditions of the award.—"~~

*** Sec. 100302. Building a national innovation support ecosystem network**

~~(a) APPROPRIATIONS.—~~

~~(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031, for carrying out this section—~~

~~(A) \$525,000,000 to carry out subsection (c)(1) of this section; and~~

~~(B) \$150,000,000 to carry out subsection (c)(2) of this section.~~

~~(2) SET ASIDE.—Of the amounts made available under paragraph (1)(A) of this subsection for a fiscal year, not more than 5 percent shall be available for administrative expenses related to carrying out this section.~~

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

~~(1) BUSINESS INCUBATOR.—~~ The term "business incubator" means an organization that—

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

~~(B) is designed to accelerate the growth and success of businesses through a variety of business support resources and services, including—~~

~~(i) access to capital, business education, and counseling;~~

~~(ii) networking opportunities;~~

~~(iii) mentorship opportunities; and~~

~~(iv) other services intended to aid in developing a business.~~

~~(2) ECONOMIC DEVELOPMENT ORGANIZATION.—~~ The term "economic development organization" means a regional, State, tribal, or local organization established for purposes of promoting or otherwise facilitating economic development.

~~(3) ELIGIBLE APPLICANT.—~~ The term "eligible applicant" means—

~~(A) an economic development organization;~~

~~(B) an eligible entity, as defined in section 7(j)(10)(K)(i) of the Small Business Act, as added by section 100103;~~

~~(C) a business incubator;~~

~~(D) a growth accelerator;~~

~~(E) an SBA partner organization, as defined in section 50 of the Small Business Act (as added by section 10201 of this title); or~~

~~(F) any combination or collaboration of the entities described in subparagraphs (A) through (E).~~

~~(4) ELIGIBLE BUSINESS.—~~ The term "eligible business" means any innovative startup seeking to—

~~(A) participate in the SBIR and STTR programs described in section 9 of the Small Business Act (15 U.S.C. 638); or~~

~~(B) otherwise develop, through research and development, or commercialize advanced technologies.~~

~~(5) GROWTH ACCELERATOR.—~~ The term "growth accelerator" has the meaning given the term in section 52 of the Small Business Act, as added by section 10301 of this title.

~~(6) INNOVATIVE STARTUP.—~~ The term "innovative startup" means a science, technology, engineering, and math entrepreneur or small business concern that—

~~(A) was founded or commenced a trade or business not earlier than 5 years before receiving assistance under this section; and~~

~~(B) has a primary focus on the development or commercialization of advanced technologies.~~

(/)

~~(7) MEMBER OF AN UNDERREPRESENTED COMMUNITY.—The term "member of an underrepresented community" has the meaning given in section 50 of the Small Business Act, as added by section 10201 of this title.~~

~~(e) ESTABLISHMENT.—The Administrator shall—~~

~~(1) make grants or award prizes to, or enter into contracts or cooperative agreements with, eligible applicants to address the training, proposal development, mentoring, partnering, coordinating, networking, customer discovery, and business incubator and growth accelerator needs of eligible businesses to expand and accelerate the growth of eligible businesses; and~~

~~(2) facilitate fellowships and internships in the fields of science, technology, engineering, and mathematics, prioritizing members of an underrepresented community through partnerships with or supplemental grants or awards to provide opportunities at the undergraduate, graduate, and postdoctoral levels.~~

*** Sec. 100404. SBIC Working Group**

~~(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000, to remain available until September 30, 2031, to carry out this section.~~

~~(b) DEFINITIONS.—In this section—~~

~~(1) the term "covered Members" means the Chair and Ranking Member of—~~

~~(A) the Committee on Small Business and Entrepreneurship of the Senate; and~~

~~(B) the Committee on Small Business of the House of Representatives;~~

~~(2) the terms "licensee", "small business investment company", and "underlicensed State" have the meanings given those terms, respectively, in section 103 of the Small Business Investment Act of 1958 (15 U.S.C. 662);~~

~~(3) the term "low-income community" has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986;~~

~~(4) the term "member of an underrepresented community" has the meaning given in section 50 of the Small Business Act, as added by section 10201 of this title.~~

~~(5) the term "underfinanced State" means a State that has below median financing, as determined by the Administrator; and~~

~~(6) the term "underserved community" means—~~

~~(A) a HUBZone, as defined in section 31(b) of the Small Business Act (15 U.S.C. 657a(b));~~

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

~~(C) a low-income rural community.~~

~~(e) ESTABLISHMENT.—Not later than 90 days after the date on which the covered Members are required to submit to the Administrator a notification that the individuals selected by the covered Members under paragraph (1) have accepted those assignments, the~~

~~Administrator shall establish a small business investment company Working Group (referred to in this section as the "Working Group"), which shall—~~

~~(1) consist of—~~

~~(A) 4 representatives—~~

~~(i) among general partners of licensees that have a demonstrated record of investing in—~~

~~(I) low-income communities;~~

~~(II) businesses primarily engaged in research and development;~~

~~(III) manufacturers;~~

~~(IV) businesses primarily owned or controlled by individuals in underserved communities before receiving capital from the licensee; and~~

~~(V) low-income rural communities; and~~

~~(ii) of whom—~~

~~(I) 1 shall be selected by the Chair of the Committee on Small Business and Entrepreneurship of the Senate;~~

~~(II) 1 shall be selected by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;~~

~~(III) 1 shall be selected by the Chair of the Committee on Small Business of the House of Representatives; and~~

~~(IV) 1 shall be selected by the Ranking Member of the Committee on Small Business of the House of Representatives;~~

~~(B) 4 representatives—~~

~~(i) from licensees, of whom 1 shall be an owner of a small business investment company or fund manager that is located in—~~

~~(I) a low-income community;~~

~~(II) an underserved community;~~

~~(III) a low-income rural community; or~~

~~(IV) an underfinanced State; and~~

~~(ii) of whom—~~

~~(I) 1 shall be selected by the Chair of the Committee on Small Business and Entrepreneurship of the Senate;~~

~~(II) 1 shall be selected by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;~~

~~(III) 1 shall be selected by the Chair of the Committee on Small Business of the House of Representatives; and~~

~~(IV) 1 shall be selected by the Ranking Member of the Committee on Small Business of the House of Representatives;~~

~~(C) the Associate Administrator for the Office of Investment and Innovation of the Administration, who shall—~~

~~(i) serve as the Chair of the Working Group; and~~

~~(ii) select not more than 4 additional representatives from the Office of Investment and Innovation of the Administration to serve as representatives of the Working Group; and~~

~~(D) 4 representatives from the investment industry or academia, or who are bank limited partners, with expertise in developing and monitoring interventions to expand the investment industry, of whom—~~

~~(i) 1 shall be selected by the Chair of the Committee on Small Business and Entrepreneurship of the Senate;~~

~~(ii) 1 shall be selected by the Ranking Member of the Committee on Small Business and Entrepreneurship of the Senate;~~

~~(iii) 1 shall be selected by the Chair of the Committee on Small Business of the House of Representatives; and~~

~~(iv) 1 shall be selected by the Ranking Member of the Committee on Small Business of the House of Representatives;~~

~~(2) develop recommendations regarding how the Administrator could increase the number of—~~

~~(A) applicants to become small business investment companies, with a focus on management teams or companies located in—~~

~~(i) low-income communities;~~

~~(ii) underserved communities; and~~

~~(iii) low-income rural communities; and~~

~~(B) investments made in underfinanced States;~~

~~(3) develop recommendations for incentives for small business investment companies to—~~

~~(A) invest and locate in underlicensed States and underfinanced States; and~~

~~(B) invest in small business concerns, including those owned and controlled by members of an underrepresented community, small business concerns owned and controlled by veterans, and small business concerns owned and controlled by women; and~~

~~(4) develop recommendations for metrics of success, and benchmarks for success, with respect to the goals described in this section.~~

~~(d) REPORT.— Not later than 1 year after the date on which the Administrator establishes the Working Group under subsection (b), the Working Group shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report that includes—~~

~~(1) the recommendations of the Working Group; and~~

~~(2) a recommended plan and timeline for implementing the recommendations described in paragraph (1);~~

~~(e) TERMINATION.— The Working Group shall terminate on the date on which the Working Group submits the report required under subsection (e).~~

*** Sec. 100505. Funding for direct debentures**

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

~~(1) \$2,118,000,000 for carrying out subsection (j) of section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697), as added by subsection (b); and~~

~~(2) \$628,000,000 for administrative expenses related to carrying out such subsection (j), including issuing interim final rules.~~

~~(b) DIRECT DEBENTURES.—~~

~~Section 503 of the Small Business Investment Act of 1958 (15 U.S.C. 697) is amended by adding at the end the following:~~

~~"(j) DIRECT DEBENTURES.—~~

~~"(1) DEFINITIONS.— In this subsection—~~

~~"(A) the term 'direct debenture' means a debenture guaranteed by the Administrator under the authority under paragraph (2);~~

~~"(B) the term 'eligible entity' means—~~

~~"(i) a small business concern in an underserved market;~~

~~"(ii) a small government contractor; or~~

~~"(iii) a small manufacturer;~~

~~"(C) the term 'renewable energy equipment'—~~

~~"(i) means such equipment as the Administrator may designate as renewable energy equipment; and~~

~~"(ii) includes solar panels, wind turbines, and battery storage;~~

~~"(D) the term 'small business concern in an underserved market' has the meaning given in section 7(a)(38) of the Small Business Act;~~

~~"(E) the term 'small government contractor' means a small business concern that is performing a government contract; and~~

~~"(F) the term 'small manufacturer' means a small business concern that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives loan under this subsection.~~

~~"(2) AUTHORITY.— Except as otherwise provided in this subsection, the Administrator may guarantee the timely payment of all principal and interest as scheduled under this subsection on a debenture issued by any qualified State or local development company under the same terms, conditions, and processes as a guarantee made under the authority under subsection (a)(1).⁽¹⁾~~

~~"(3) USE OF PROCEEDS.— The proceeds of a direct debenture—~~

~~"(A) for a small business concern that is an eligible entity, may be used for any purpose for which a loan under section 502 may be used, including to acquire renewable energy equipment and for working capital; and~~

~~"(B) for a small business concern that is not an eligible entity, may be used to acquire renewable energy equipment.~~

~~"(4) MAXIMUM LOAN AMOUNT.—~~

~~"(A) IN GENERAL.— A direct debenture shall be in an amount not more than \$6,500,000.~~

~~"(B) COST OF PROJECT.— The amount of the proceeds of a direct debenture may not exceed the amount equal to 100 percent of the cost of the project for which the proceeds are to be used.~~

~~"(5) CRITERIA FOR ASSISTANCE.—~~

~~"(A) NO COMMUNITY INJECTION FUNDS REQUIRED.— Compliance with subparagraph (B) of section 502(a)(3) shall not be required for a direct debenture.~~

~~"(B) FUNDING FROM SMALL BUSINESS CONCERN.— A small business concern receiving funds under a direct debenture—~~

~~"(i) for a direct debenture used for working capital, is not required to provide funds toward the total cost of the project financed;~~

~~"(ii) for a direct debenture used for renewable energy equipment, may provide not more than 10 percent of the total cost of the project financed; and~~

~~"(iii) for a direct debenture used for any other eligible purpose, shall provide not less than 5 percent of the total cost of the project financed.~~

~~"(6) FEES.— With respect to each debenture made in accordance with this paragraph, in addition to other fees authorized under this section, the Administrator, an authorized third party, or an agent may—~~

~~"(A) impose, collect, retain, and utilize fees, which shall be charged to the borrower, to cover any costs associated with referring applications or originating, underwriting, making, disbursing, closing, and servicing, or liquidating the loan, including any central servicing agent costs, other program or contract costs, or other agent administrative expenses;~~

~~"(B) impose, collect, retain, and use fees (including unused fees and draw fees), which may be charged to the borrower on loans for revolving lines of credit; and~~

~~"(C) establish fees that may be charged by interim lenders for interim financing provided in connection with a direct debenture, including for assistance in referring applicants or promoting, originating, making, underwriting, disbursing, closing, servicing, or liquidating loans in accordance with this paragraph on behalf of the Administration.~~

~~"(7) INTERIM FINANCING.— Nothing in this subsection shall be construed to restrict the ability of a State or local development company to use a third party lender or another lender to provide interim financing for all project costs except the borrower's contribution, in accordance with section 120.890 of title 13, Code of Federal Regulations, or any~~

successor thereto, in connection with providing a direct debenture to a small business concern:

~~"(8) OTHER TERMS.—~~

~~"(A) IN GENERAL.— Not later than 90 days after the date of the enactment of this paragraph, the Administrator shall issue interim final rules relating to the underwriting criteria, interest rate, maturity, collateral, servicing, and other terms or project requirements of a direct debenture made in accordance with this subsection and revising any other rules necessary to carry out this subsection.~~

~~"(B) REPAYMENT.— Not later than 90 days after the date of the enactment of this subsection, the Administrator shall issue rules to allow reasonable assurance of repayment of a direct debenture, including reasonable assurance of repayment from the assets converting to cash to be the primary form of repayment under this subsection."~~

~~(e) CALCULATION OF JOB CREATION REQUIREMENT.—~~

~~Section 501(e)(4) of the Small Business Investment Act of 1958 (15 U.S.C. 695(e)(4)) is amended to read as follows:~~

~~"(4) Loans for projects of small manufacturers and direct debenture loans under section 503(j) shall be excluded from calculations under paragraph (2) or (3) of this subsection."~~

*** Sec. 70304. Salton Sea projects**

~~(a) APPROPRIATION.—~~

~~(1) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$250,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to provide grants and enter into contracts and cooperative agreements to carry out projects located in the area of the Salton Sea in Southern California to improve air quality, habitat, and water quality, in partnership with—~~

~~(A) State, Tribal, and local governments;~~

~~(B) water districts;~~

~~(C) joint powers authorities;~~

~~(D) nonprofit organizations; and~~

~~(E) institutions of higher education.~~

~~(2) COST SHARE.— The non-Federal share of the cost of a project under this subsection shall be 50 percent of the cost of the project.~~

~~(b) INCLUDED ACTIVITIES.— The projects described in subsection (a) may include—~~

~~(1) construction, operation, maintenance, permitting, and design activities required for such projects; and~~

~~(2) dust suppression projects.~~

~~(c) FUNDING ELIGIBILITY.— To be eligible to receive funding, non-Tribal grantees must demonstrate compliance with prevailing wage requirements.~~

~~(d) ADMINISTRATIVE EXPENSES.— Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.~~

*** ~~Sec. 71001. Oversight~~**

~~One half of one percent of the amounts made available under this title in each of fiscal years 2022 through 2031 shall be used for the oversight and accountability of the expenditure of funds.~~

*** ~~Sec. 71002. Limitation~~**

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

*** ~~Sec. 71003. Limitation~~**

~~No funds made available under this title may be used to close the national office of the Bureau of Land Management located in Grand Junction, Colorado.~~

*** ~~Sec. 20001. Rebuild America's schools grant program~~**

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

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

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

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

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

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

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

~~(B) with respect to fiscal years 2023 and 2024, if such State educational agency has had approved by the Secretary a State facilities plan developed under paragraph (3)(A)(ii)(1), for the purpose of improving public school facilities in accordance with paragraph (3)(B).~~

~~(2) ALLOCATIONS TO STATES.— The amount allocated to each State educational agency under paragraph (1) shall be in the same proportion as the amounts distributed to the State under part A of title I of the Elementary and Secondary Education Act of 1965~~

~~(20 U.S.C. 6311) in the most recent fiscal year, relative to the total amount received under such part by all other States receiving an allocation under this section in such fiscal year.~~

~~(3) STATE USES OF FUNDS.— A State educational agency that receives an allocation under paragraph (1)—~~

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

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

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

~~(II) the collection and submission of data to the State educational agency to support implementation of the State school facilities database; and~~

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

~~(I) develop a State facilities plan that details—~~

~~(aa) how the State will use grant funds received under this section and State funds to make improvements to public school facilities of eligible local educational agencies to address disparities in both the financing and expenditures of school facilities capital outlay projects and in the conditions of public school facilities between eligible local educational agencies and other local educational agencies in the State;~~

~~(bb) how the State will develop a competitive process to provide subgrants to eligible local educational agencies, including the State's criteria for subgrant eligibility; and~~

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

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

~~(III) provide technical assistance to local educational agencies in carrying out activities described in clause (i) and supports related to the requirements of paragraph (4) for eligible local educational agencies; and~~

~~(E) with respect to each of fiscal years 2023 and 2024, shall—~~

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

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

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

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

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

~~(aa) indoor air quality;~~

~~(bb) water quality;~~

~~(cc) energy and water efficiency;~~

~~(dd) renewable energy and decarbonization;~~

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

~~(ff) climate resiliency;~~

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

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

~~(IV) provide professional development opportunities for State and local staff involved in maintenance and operations and school facilities capital outlay projects; and~~

~~(V) administer and monitor the implementation of subgrants provided under clause (i).~~

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

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

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

~~(ii) such agency's facilities master plan.~~

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

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

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

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

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

~~(v) Purchasing and preparing sites on which public school facilities will be constructed;~~

~~(vi) Improving energy and water efficiency in public school facilities, including improvements related to clean energy;~~

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

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

~~(II) mold or mildew;~~

~~(III) rodents and pests; and~~

~~(IV) structural hazards created by pyrrhotite.~~

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

~~(ix) Improving the public school facilities of magnet schools, or other instructional programs, designed to increase student diversity and decrease racial or socioeconomic isolation.~~

~~(x) Supporting independent commissioning and certification of public school facilities, public school facility systems, and school facilities capital outlay projects.~~

~~(d) CONDITIONS.—~~

~~(1) STATE MATCHING REQUIREMENT.—~~

~~(A) IN GENERAL.— As a condition of receiving an allocation under subsection (c) (1)(3), a State shall contribute ⁽¹⁾ from non-Federal sources, an amount equal to 10~~

~~percent of the amount of the allocation received under such subsection to carry out activities supported by such allocation.~~

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

~~(2) STATE MAINTENANCE OF EFFORT.—~~

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

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

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

~~(e) DEFINITIONS.—~~

~~(1) ESEA TERMS.— The terms "elementary school", "local educational agency", "secondary school", and "State educational agency" have the meanings given the terms in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801).~~

~~(2) ELIGIBLE LOCAL EDUCATIONAL AGENCY.— The term "eligible local educational agency" means a local educational agency (including a public charter school that is a local educational agency under State law) in a State that—~~

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

~~(i) the highest numbers or percentages of students counted under section 4124(c) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6333(c)); or~~

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

~~(B) certifies that any funds received under this section shall be used to prioritize the improvement of public school facilities of public elementary or secondary schools that serve the highest percentages of students who are eligible for a free or reduced~~

~~price lunch under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751), under a method established by the Secretary; and~~

~~(C) certifies that any public school facilities improved by funds received under this section are—~~

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

~~(ii)~~

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

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

~~(3) LOCAL FACILITIES MASTER PLAN.— The term "local facilities master plan" means a plan of a local educational agency developed under subsection (c)(3)(A)(i)(I) by the local educational agency, in consultation with local stakeholders, which includes an assessment of such agency's public school facilities, financing of school capital project outlays, and student enrollment levels, and other factors determined by the Secretary.~~

~~(4) OPERATIONS AND MAINTENANCE OF SCHOOL FACILITIES.— The term "operations and maintenance of school facilities" means the labor, contracts, and supplies and materials supported by a local educational agency's annual operating budget related to—~~

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

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

~~(C) payments for utilities for public school facilities.~~

~~(5) PUBLIC SCHOOL FACILITY.— The term "public school facility" means a school facility operated by a local educational agency that is primarily used to educate students, including outdoor facilities and grounds, but does not include—~~

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

~~(B) a vehicle; or~~

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

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

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

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

~~(9) STATE'S CONTRIBUTION TO SCHOOL FACILITIES CAPITAL OUTLAYS.—~~ The term "State's contribution to school facilities capital outlays" means the total amount of State appropriations on elementary and secondary education capital expenditures in the State, including—

- ~~(A) State aid reimbursements for school facilities capital outlay projects;~~
- ~~(B) State payment of debt service for school facilities capital outlay projects;~~
- ~~(C) direct payment of school facilities capital outlay projects; and~~
- ~~(D) grants or facilities allowances to charter schools for facilities capital projects.~~

~~(10) STATE FACILITIES PLAN.—~~ The term "State facilities plan" means a State's plan developed by the State educational agency, in accordance with subsection (c)(3)(A)(ii)(I) and including plan elements determined by the Secretary, for the purpose of being eligible for an allocation described in subsection (c)(1)(B).

~~(11) STATE SCHOOL FACILITIES DATABASE.—~~ The term "State school facilities database" means an electronic, publicly available database maintained by the State educational agency that contains an inventory of the infrastructure of all public school facilities in the State, including the data elements determined by the Secretary.

*** ~~Sec. 80001. General Services Administration clean vehicle fleet~~**

~~In addition to amounts otherwise available, there is appropriated to the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000,000, to remain available until expended, for the procurement of electric vehicles and related infrastructure for the Federal fleet (excluding any vehicles of the United States Postal Service and including non-tactical vehicles of the Department of Defense), and the management, acquisition, and allocation of such electric vehicles and infrastructure and working with Federal agencies to allocate and lease resources as necessary.~~

*** ~~Sec. 80002. General Services Administration Office of the Inspector General clean vehicle fleet oversight~~**

~~In addition to amounts otherwise available, there is appropriated to the Office of the Inspector General of the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,500,000, to remain available until expended, for oversight of the procurement of electric vehicles and related infrastructure for the Federal fleet at the General Services Administration.~~

*** ~~Sec. 80011. Funding for Information Technology Oversight and Reform (ITOR) account~~**

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

*** ~~Sec. 90004. Department of Commerce ⁽¹⁾ regional innovation~~**

~~In addition to amounts otherwise available, there is appropriated to the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for planning and establishment of regional innovation initiatives pursuant to the Stevenson-Wydler Act, and for related administrative expenses. Of the funds provided by this section for regional innovation initiatives, no fewer than one-third of grants or cooperative agreements awarded shall significantly benefit a State that is eligible to receive funding from the Established Program to Stimulate Competitive Research of the National Science Foundation or a rural or other underserved community.~~

*** ~~Sec. 110014. Hazard mitigation revolving loan fund~~**

~~(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, \$495,000,000, to remain available until expended, to the Administrator of the Federal Emergency Management Agency for the establishment and carrying out of hazard mitigation revolving loan fund grants under section 205 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135).~~

~~(b) ADMINISTRATION.— In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, \$5,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until expended, for administration of this section.~~

*** ~~Sec. 110015. Upgrading public alert and warning~~**

~~(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, \$24,000,000, to remain available until September 30, 2024, to the Administrator of the Federal Emergency Management Agency to upgrade the Integrated Public Alert and Warning System for implementation of the Next Generation Warning System.~~

~~(b) ASSISTANCE TO CERTAIN ENTITIES.— In carrying out subsection (a), the Administrator of the Federal Emergency Management Agency is authorized to issue noncompetitive, risk-informed financial assistance to public broadcasting entities, as defined in section 397 of the Communications Act of 1934 (47 U.S.C. 397).~~

~~(c) ADMINISTRATION.— In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, \$1,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until September 30, 2026, for administration of this section.~~

*** ~~Sec. 110016. Federal assistance for emergency managers~~**

~~(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, \$412,000,000,~~

~~to remain available until expended, to the Administrator of the Federal Emergency Management Agency for grants for construction, retrofit, technological enhancement, and updated requirements of State, local, Indian Tribal, and territorial emergency operations centers under section 614 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5196e). A State may provide grant funds under this subsection to local governments and Tribal governments to carry out the activities for which such funds are provided.~~

~~(b) ADMINISTRATION.—In addition to amounts made available for administrative expenses under section 205(d)(2) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5135(d)(2)), there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise available, \$13,000,000 to the Administrator of the Federal Emergency Management Agency, to remain available until expended, for administration of this section.~~

~~(c) LIMITATION.—The amount of a project under a grant provided under this section may not exceed \$4,000,000.~~

~~(d) CODE COMPLIANCE.—In using funds under subsection (a), a grant recipient shall act in compliance with the latest published editions of relevant consensus-based codes, specifications, and standards that incorporate the latest hazard resistant designs and establish minimum acceptable criteria for the design, construction, and maintenance of structures and facilities for the purpose of protecting the health, safety, and general welfare of the building users against disasters.~~

*** Sec. 90003. Department of Energy research, development, and demonstration activities**

~~(a) OFFICE OF SCIENCE APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Office of Science of the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,000,000,000, to remain available until September 30, 2026, to carry out research and development activities. Of the funds provided by this section:~~

~~(1) COMPUTATIONAL SCIENCE GRADUATE FELLOWSHIP.—\$116,000,000 shall be used to carry out the Department of Energy Computational Science Graduate Fellowship program.~~

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

~~(3) LOW-DOSE RADIATION RESEARCH.—\$180,000,000 shall be used to carry out the activities of the low-dose radiation research program authorized in section 306(e) of the Department of Energy Research and Innovation Act (42 U.S.C. 18644(e)).~~

~~(4) FUSION MATERIALS RESEARCH AND DEVELOPMENT.—\$250,000,000 shall be used to carry out the activities of the fusion materials research and development program authorized in section 307(b) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(b)).~~ (l)

~~(5) INERTIAL FUSION RESEARCH AND DEVELOPMENT.—\$140,000,000 shall be used to carry out the activities of the program of research and technology development in inertial fusion for energy applications authorized in section 307(d) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(d)).~~

~~(6) ALTERNATIVE AND ENABLING FUSION ENERGY CONCEPTS.—\$275,000,000 shall be used to carry out the activities of the alternative and enabling fusion energy concepts program authorized in section 307(e) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(e)).~~

~~(7) MILESTONE-BASED FUSION ENERGY DEVELOPMENT PROGRAM.—\$325,000,000 shall be used to carry out the activities of the milestone-based fusion energy development program authorized in section 307(i) of the Department of Energy Research and Innovation Act (42 U.S.C. 18645(i)).~~

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

~~(b) ENERGY EFFICIENCY AND RENEWABLE ENERGY APPROPRIATION.—~~

~~(1) DEMONSTRATION PROJECTS.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,107,500,000, to remain available until September 30, 2026, to carry out demonstration projects, including demonstration of advanced—~~

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

~~(B) solar energy technologies as authorized in section 3004 of the Energy Act of 2020 (42 U.S.C. 16238), including technologies and processes to encourage the domestic production of materials, semiconductors, and other components at all stages of the solar supply chain;~~

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

~~(D) water power technologies as authorized in sections 634 and 635 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17213 et al.);~~

~~(E) vehicle technologies;~~

~~(F) bioenergy technologies, including biofuels; and~~

~~(G) building technologies.~~

~~(2) CLEAN ENERGY MANUFACTURING INNOVATION INSTITUTE.—In addition to amounts otherwise available, there is appropriated to the Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$70,000,000, to remain available until September 30, 2026, to carry out activities to support one new Clean Energy Manufacturing Innovation Institute.~~

~~(1) NUCLEAR ENERGY APPROPRIATION.—⁽¹⁾In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Nuclear Energy for fiscal year 2022, out~~

of any money in the Treasury not otherwise appropriated, \$52,500,000, to remain available until September 30, 2026, to carry out the activities of the research reactor infrastructure program as authorized in section 954(a) of the Energy Policy Act of 2005 (42 U.S.C. 16274(a)).

(d) ~~FOSSIL ENERGY AND CARBON MANAGEMENT APPROPRIATION.~~— In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Fossil Energy and Carbon Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$10,000,000, to remain available until September 30, 2026, to carry out on-site demonstration projects on the reduction of environmental impacts of produced water.

(e) ~~DIVERSITY SUPPORT.~~— In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Economic Impact and Diversity for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$20,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to support programs across the Department's civilian research, development, demonstration, and commercial application activities.

(f) ~~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 amounts may be expended after September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this title.

*** ~~Sec. 90004. Environmental Protection Agency climate change research and development~~**

In addition to amounts otherwise made available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$264,000,000 to remain available until September 30, 2026, to conduct environmental research and development activities related to climate change, including related administrative expenses. The amounts made available in this section shall be used for the purposes of—

(1) ~~conducting further research on mitigation of climate forcing emissions, adaptation to reduce the impacts of climate change, and approaches to build resilience to climate change;~~

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

(3) ~~conducting further social science research to upgrade the utilization and efficacy of scientific tools to mitigate, adapt, and build resilience to the impacts of climate change;~~

(4) ~~increasing engagement capacity with frontline communities with environmental justice concerns in translating, utilizing, and evaluating scientific research results;~~

(5) ~~conducting further research to improve understanding of impacts of decarbonized energy sources compared to existing energy sources, including cumulative impacts of~~

pollution from existing sources;

~~(6) conducting further research to improve understanding of the impacts of the transition to decarbonized energy, transportation, and building sectors on frontline communities;~~

~~(7) conducting further research to improve understanding of impacts of climate change, including cumulative impacts of pollution exposure, in communities that face disproportionate impacts from energy transitions; and~~

~~(8) providing increased support to conduct further environmental research and development activities on climate change that the Administrator deems appropriate.~~

*** ~~Sec. 90005. Federal Emergency Management Agency assistance to firefighters grants~~**

~~In addition to amounts otherwise available, there is appropriated to the Federal Emergency Management Agency for Fiscal Year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, \$708,000,000, for Assistance to Firefighters Grants pursuant to the Federal Fire Prevention and Control Act of 1974: *Provided*, That \$718,000,000 of such amount shall be available for Assistance to Firefighters Grants for fire and EMS department facility construction, upgrades, and modifications, and for related administrative expenses: *Provided further*, That \$80,000,000 of such amount shall be available for Assistance to Firefighters Grants for PFAS-free personal protective equipment and PFAS-free firefighting foam, and for related administrative expenses.~~

*** ~~Sec. 90006. Firefighter grant oversight~~**

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

*** ~~Sec. 90008. National Aeronautics and Space Administration climate change research and development~~**

~~In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$388,000,000 to remain available until September 30, 2026, of which \$85,000,000 shall be for research and development on subseasonal to seasonal models and observations, climate resilience and sustainability, and airborne instruments, campaigns, and surface networks to understand, observe, and mitigate global climate change and its impacts, including related administrative expenses, authorized under section 60504 of title 51, United States Code, and research and development activities on upper atmospheric research authorized under sections 20161, 20163, and 20164 of title 51, United States Code; \$28,000,000 shall be for investments in data management and processing to support research, development, and applications to understand, observe, and mitigate the global climate change and its impacts consistent with the responsibilities authorized under section 60506 of title 51, United States Code; \$50,000,000 shall be for research and development to~~

~~support the wildfire community and improve wildfire fighting operations, including the Scalable Traffic Management for Emergency Response Operations project; and \$225,000,000 shall be for advancing aeronautics research and development on sustainable aviation, including sustainable aviation biofuels, including related administrative expenses, consistent with the responsibilities authorized under sections 40701 and 40702 of title 51, United States Code.~~

~~* **Sec. 90009. National Aeronautics and Space Administration oversight and cybersecurity**~~

~~In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$7,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for information technology security and cybersecurity activities for which funding is appropriated under sections 90007 and 90008. In addition to amounts otherwise made available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for the Office of Inspector General to provide oversight over the management of funds appropriated under sections 90007 and 90008.~~

~~* **Sec. 70501. Coastal and Great Lakes restoration and technical assistance**~~

~~(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$9,500,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, through direct expenditure, contracts, grants, and cooperative agreements to provide funding and technical assistance for the purposes of restoring a marine, estuarine, coastal, or Great Lake habitat; or providing adaptation to climate change, including by protecting, restoring, or establishing ecological features that protects coastal communities from sea-level rise, coastal storms, or flooding; or designing or implementing blue carbon projects. None of the funds provided by this section shall be subject to cost share or matching requirements.~~

~~(b) ADMINISTRATIVE EXPENSES.— Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.~~

~~* **Sec. 70502. Pacific Coastal Salmon Recovery Fund**~~

~~(a) IN GENERAL.— In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of funds in the Treasury not otherwise appropriated \$400,000,000, to remain available until 2026, for the purposes of climate resilience, habitat protection, and other habitat restoration projects to recover Pacific salmon. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.~~

~~(b) ADMINISTRATIVE EXPENSES.— Of the funds provided by this section, no more than 2 percent shall be used for administrative costs to carry out this section.~~

*** ~~Sec. 90013. National Institute of Standards and Technology oversight~~**

~~In addition to amounts otherwise available, there is appropriated to the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for oversight by the Department of Commerce Office of Inspector General of National Institute of Standards and Technology activities for which funding is appropriated in this title.~~

*** ~~Sec. 90014. National Oceanic and Atmospheric Administration weather, ocean, and climate research and forecasting~~**

~~In addition to amounts otherwise made available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,240,000,000, to remain available until September 30, 2026, to carry out the provisions of the Weather Research and Forecasting Innovation Act (15 U.S.C. 8501 et seq.), the National Integrated Drought Information System Act (15 U.S.C. 313d), the National Climate Program Act (15 U.S.C. 2901-2908.), the Harmful Algal Bloom and Hypoxia Research and Control Act (33 U.S.C. 4001-4010), the Federal Ocean Acidification Research and Monitoring Act (33 U.S.C. 3701-3708), title III of the America COMPETES Act (33 U.S.C. 893, 893a, 893b, and 893c), and the Weather Service Organic Act (15 U.S.C. 313 et seq.). The amounts in this section shall be used for the purposes of—~~

~~(1) increasing the understanding, and predictive and forecasting capabilities, of weather and climate phenomena including, but not limited to, hurricanes, tornadoes; drought, wildland fires and associated fire weather, extreme precipitation, extreme heat and extreme heat events, flooding, and other severe weather, and their impacts;~~

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

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

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

~~(5) acquiring related high-performance computing, data management, and storage assets; and~~

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

*** ~~Sec. 90016. National Oceanic and Atmospheric Administration high performance computing~~**

~~In addition to amounts otherwise made available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$70,000,000 to remain available until September 30, 2026, to procure and enhance high performance computing, data management, and storage~~

~~capabilities, and related facilities to enable the National Oceanic and Atmospheric Administration to meet its mission requirements, including related administrative expenses.~~

*** ~~Sec. 90017. National Oceanic and Atmospheric Administration phased array radar~~**

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

*** ~~Sec. 90018. National Oceanic and Atmospheric Administration hurricane hunter aircraft~~**

~~In addition to amounts otherwise made available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,024,000,000 to remain available until September 30, 2026, to carry out the provisions of the Weather Research and Forecasting Innovation Act (15 U.S.C. 8501 et seq.) for the procurement of hurricane hunters and related expenses, and the development and acquisition of airborne phased array radar, to prepare for fleet readiness by fiscal year 2030.~~

*** ~~Sec. 90019. National Oceanic and Atmospheric Administration uncrewed systems~~**

~~In addition to amounts otherwise made available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$12,000,000 to remain available until September 30, 2026, to support uncrewed systems development and application in support of National Oceanic and Atmospheric Administration mission priorities including oceanic and atmospheric research and research to operations, including related administrative expenses.~~

*** ~~Sec. 90020. National Oceanic and Atmospheric Administration research infrastructure~~**

~~In addition to amounts otherwise made available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$743,000,000 to remain available until September 30, 2026, to conduct deferred maintenance of meteorological, hydrological, climatological, and other oceanic and atmospheric research and development or operational facilities, and to make improvements to scientific equipment and instruments, including related administrative expenses.~~

*** ~~Sec. 90021. National Oceanic and Atmospheric Administration space weather~~**

~~In addition to amounts otherwise made available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$173,000,000, to remain available until September 30, 2026, to carry out the provisions of the Promoting Research and Observations of Space Weather to Improve the Forecasting of Tomorrow (PROSWIFT) Act (51 U.S.C. 60601 et seq.) by accelerating the development and delivery of instruments and spacecraft, and prioritizing~~

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

*** ~~Sec. 90022. National Oceanic and Atmospheric Administration oversight~~**

~~In addition to amounts otherwise available, there is appropriated to the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$5,000,000, to remain available until September 30, 2026, for oversight by the Department of Commerce Office of Inspector General of National Oceanic and Atmospheric Administration activities for which funding is appropriated in this title.~~

*** ~~Sec. 90023. National Science Foundation infrastructure~~**

~~In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$3,430,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, for research-enabling equipment, facilities, and infrastructure, including mid-scale research infrastructure, Antarctic infrastructure modernization, related Federal administrative expenses and additional major research equipment and facilities construction projects approved by the National Science Board as required under section 14 of the National Science Foundation Authorization Act of 2002 (42 U.S.C. 1862n-4): *Provided*, That \$1,000,000,000 shall be for activities authorized by title II of Public Law 100-570 for academic research facilities modernization, which may include shore-side facilities for academic research vessels, of which \$300,000,000 shall be for academic research facilities modernization at historically Black colleges and universities, Hispanic serving institutions, Tribal colleges and universities, and other minority serving institutions: *Provided further*, That not less than 20 percent of the funds made available in this section shall be for research-enabling equipment, facilities, and infrastructure projects located in a State or territory that is eligible to receive funding from the Established Program to Stimulate Competitive Research as established under section 113 of the National Science Foundation Authorization Act of 1988 (42 U.S.C. 1862g): *Provided further*, That \$25,000,000 shall be for the Office of the Chief of Research Security Strategy and Policy for research security activities.~~

*** ~~Sec. 90024. National Science Foundation research and development~~**

~~In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$7,550,000,000, to remain available until September 30, 2031, except that no amounts may be expended after September 30, 2031, to fund or extend new and existing research awards, scholarships, and fellowships across all science, technology, engineering, and mathematics (STEM) and STEM education disciplines, to fund use-inspired and translational research and development awards, entrepreneurial education, and technology transfer activities, to extend existing research awards and scholarships and fellowships to aid in the recovery from COVID-19 related disruptions, and for related administrative expenses: *Provided*, That \$400,000,000 shall be available for climate change research, including relating to wildfires: *Provided further*, That \$700,000,000 shall be available for research and related activities at historically Black~~

~~colleges and universities, Tribal colleges and universities, Hispanic-serving institutions, and other minority-serving institutions.~~

*** ~~Sec. 90025. National Science Foundation oversight~~**

~~In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the National Science Foundation 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 amounts may be expended after September 30, 2031, for oversight, investigations, and audits of programs, grants, and projects carried out by the National Science Foundation using funds under this title.~~

*** ~~Sec. 90026. Wage rate requirements~~**

~~(a) IN GENERAL.— Notwithstanding any other provision of law, all laborers and mechanics employed by contractors and subcontractors on any project funded directly or assisted in whole or in part by the Federal Government pursuant to this title shall be paid wages at rates not less than those prevailing on projects of a similar character in the locality, as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code (commonly known as the "Davis-Bacon Act").~~

~~(b) AUTHORITY.— With respect to the labor standards specified in paragraph (1), the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.~~

*** ~~Sec. 90027. Forced Labor Prohibition~~**

~~None of the funds provided in this title may be used in awarding a contract, subcontract, grant, or loan to an entity that is listed pursuant to section 9(b)(3) of the Uyghur Human Rights Policy Act of 2020 (Public Law 116–145).~~

*** ~~Sec. 131101. Tax imposed on employers failing to maintain or facilitate automatic contribution plan or arrangement~~**

~~(a) AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.—~~

~~(1) IN GENERAL.— Section 414 is amended by adding at the end the following:~~

~~"(aa) AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.— For purposes of this title~~

~~"(1) IN GENERAL.— The term 'automatic contribution plan or arrangement' means~~

~~"(A) a defined contribution plan that —~~

~~"(i) is described in clause (i), (ii), or (iv) of section 219(g)(5)(A);~~

~~"(ii) includes a qualified cash or deferred arrangement or a salary reduction arrangement, and~~

~~"(iii) meets the notice, eligibility, contribution, investment, fee, and lifetime income requirements of paragraphs (2), (3), (4), (5), (6), and (7), respectively;~~

~~"(B) an automatic IRA arrangement described in paragraph (8);~~

~~"(C) an arrangement described in section 408(p) that meets the notice, contribution, investment, and fee requirements described in paragraphs (2), (4), (5), and (6), and~~

~~"(D) a plan described in clause (i), (ii), (iv), (v), or (vi) of section 219(g)(5)(A) that is established and maintained by an employer as of the date of enactment of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, or a plan described in section 219(g)(5)(A)(iv) that is not subject to title I of the Employee Retirement Income Security Act of 1974 and offers annuity contracts, or makes custodial accounts available to employees, as of such date.~~

~~"(2) NOTICE REQUIREMENTS.— A plan or arrangement shall be treated as meeting the notice requirements of this paragraph with respect to an employee if the plan or arrangement meets the notice requirements of, or similar to, the notice requirements of section 401(k)(13)(E), excluding any such notice requirements that are not applicable or relevant to the such plan or arrangement.~~

~~"(3) ELIGIBILITY REQUIREMENTS.—~~

~~"(A) IN GENERAL.— The requirements of this paragraph shall be treated as met if all employees of the employer are eligible to participate in an automatic contribution plan or arrangement maintained or facilitated by the employer.~~

~~"(B) CERTAIN EXCLUSIONS.— The following employees may be excluded from consideration in determining whether the requirements of this paragraph are met:~~

~~"(i) INDIVIDUALS LESS THAN 21 YEARS OLD.— Any employee who has not attained age 21.~~

~~"(ii) CERTAIN OTHER EMPLOYEES.— Any employee described in section 410(b)(3).~~

~~"(iii) SERVICE REQUIREMENTS.— Any employee who has not completed at least one of the following periods of service with the employer maintaining or facilitating the plan or arrangement:~~

~~"(I) The period permitted under section 410(a)(1) (determined without regard to subparagraph (B)(i) thereof).~~

~~"(II) A period of 2 consecutive 12-month periods during each of which the employee has at least 500 hours of service.~~

~~"(C) SPECIAL RULES FOR CONTROLLED GROUPS.— Eligible employees within an employer need not be eligible to participate in the same automatic contribution plan or arrangement. For purposes of this subsection, the term 'employer' shall include all employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414.~~

~~"(D) ENTRY DATES.— Rules similar to the rules of section 410(a)(4) shall apply with respect to (1) employees who have satisfied the age and service~~

requirements referenced in subparagraph (B) and who are otherwise entitled to participate in a plan or arrangement.

~~"(4) CONTRIBUTION REQUIREMENTS.—~~

~~"(A) IN GENERAL.— The requirements of this paragraph shall be treated as met if, under the plan or arrangement, each employee eligible to participate in the plan or arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the qualified percentage of compensation.~~

~~"(B) ELECTION OUT.— The election treated as having been made under subparagraph (A) shall cease to apply with respect to any employee if such employee makes an affirmative election—~~

~~"(i) not to have such contributions made, or~~

~~"(ii) to make elective contributions at a level specified in such affirmative election.~~

~~"(C) QUALIFIED PERCENTAGE.— For purposes of this paragraph, and except as provided in subparagraph (D)(i), the term 'qualified percentage' means, with respect to any employee, any percentage determined under the plan or arrangement if such percentage is applied uniformly, does not exceed 15 percent (10 percent during the period described in clause (i)), and is at least—~~

~~"(i) 6 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in subparagraph (A) is made with respect to such employee;~~

~~"(ii) 7 percent during the first plan year following the plan year described in clause (i);~~

~~"(iii) 8 percent during the first plan year following the plan year described in clause (ii);~~

~~"(iv) 9 percent during the first plan year following the plan year described in clause (iii); and~~

~~"(v) 10 percent during any subsequent plan year.~~

~~"(D) RULES RELATING TO AUTOMATIC IRA ARRANGEMENTS.— For purposes of this paragraph—~~

~~"(i) QUALIFIED PERCENTAGE.— In the case of an automatic IRA arrangement, the term 'qualified percentage' means, with respect to an employee for any plan year, a percentage equal to the minimum percentage described for such plan year under subparagraph (C).~~

~~"(ii) PAYROLL DEDUCTION CONTRIBUTIONS.— In the case of an automatic IRA arrangement, any reference in this paragraph to elective contributions shall be treated as including a reference to payroll deduction contributions.~~

~~"(5) INVESTMENT REQUIREMENTS.—~~

~~"(A) IN GENERAL.—~~

~~"(i) DEFAULT INVESTMENTS.— A plan or arrangement shall be treated as meeting the requirements of this paragraph if in the absence of an investment election by a participant or beneficiary, amounts are invested only in the class of assets or funds described in subparagraph (B).~~

~~"(ii) REQUIRED INVESTMENT OPTIONS IN AUTOMATIC IRA ARRANGEMENT.— In addition to the default investment requirement of clause (i), an automatic IRA arrangement shall be treated as meeting the requirements of this paragraph if the arrangement also allows the participant to invest in any of the class of assets or funds described in subparagraph (B), (C), (D), or (E), and provides for no other investment options.~~

~~"(B) TARGET DATE/LIFECYCLE OPTION.— The class of assets or funds described in this clause is the class of assets or funds that constitutes a qualified default investment alternative under Department of Labor regulation section 2550.404c-5(e)(4)(i).~~

~~"(C) PRINCIPAL PRESERVATION.— The class of assets or funds described in this clause is the class of assets or funds that is designed to protect the principal of the individual on an ongoing basis.~~

~~"(D) BALANCED OPTION.— The class of assets or funds described in this clause is the class of assets or funds that constitutes a qualified default investment alternative under Department of Labor regulation section 2550.404c-5(e)(4)(ii).~~

~~"(E) OTHER.— Any other class of assets or funds determined by the Secretary to be a qualified investment for purposes of this section.~~

~~"(6) FEE REQUIREMENTS.— In the case of any plan or arrangement not otherwise subject to title I of the Employee Retirement Income Security Act of 1974, under the fee requirements of this paragraph, no participant may be charged unreasonable fees or expenses.~~

~~"(7) LIFETIME INCOME REQUIREMENTS.—~~

~~"(A) IN GENERAL.— A plan or arrangement shall be treated as meeting the lifetime income requirement described in this paragraph if the plan or arrangement permits participants to elect to receive at least 50 percent of their vested account balance in a form of distribution described in section 401(a)(38)(B)(iii).~~

~~"(B) EXCEPTION.—~~

~~"(i) IN GENERAL.— This paragraph shall not apply with respect to any participant whose vested account balance is \$200,000 or less at the time of distribution.~~

~~"(ii) NOT TREATED AS DISCRIMINATORY IN FAVOR OF HIGHLY COMPENSATED EMPLOYEES.— A plan shall not be treated as failing to meet the requirements of section 401(a)(4) solely by reason of applying the exception of clause (i) to the requirements of subparagraph (A).~~

~~"(B) AUTOMATIC IRA ARRANGEMENT.—~~

~~"(A) IN GENERAL.— For purposes of this paragraph, the term 'automatic IRA arrangement' means, with respect to an employer (and trustee or issuer designated by the employer), an arrangement facilitated by the employer which meets the requirements of this paragraph and the eligibility, contribution, investment, and fee requirements of paragraphs (3), (4), (5), and (6), and under which an employee—~~

~~"(i) may elect—~~

~~"(I) to have the employer make payroll deduction deposits on behalf of the individual as payroll deduction contributions to an individual retirement account, or~~

~~"(II) to have such payments paid to the employee directly in cash;~~

~~"(ii) is treated as having made the election under clause (i)(I) at the level determined under paragraph (4)(D) until the individual makes an affirmative election not to have such contributions made (or to have such contributions made at a level specified in the affirmative election); and~~

~~"(iii) may elect to modify the manner in which such amounts are invested for such plan year.~~

~~"(B) ADMINISTRATIVE REQUIREMENTS.—~~

~~"(i) PAYMENTS.— The requirements of this subparagraph are met with respect to any automatic IRA arrangement if the employer makes the payments elected or treated as elected under subparagraph (A)(i) on or before the last day of the month following the month in which the compensation otherwise would have been payable to the employee in cash.~~

~~"(ii) NOTICE OF ELECTION PERIOD.— The requirements of this paragraph shall be treated as met with respect to any year if the employer notifies each employee eligible to participate, within a reasonable period of time before the beginning of such year (and, for the first year the employee is so eligible, a reasonable period of time before the first day such employee is so eligible), of—~~

~~"(I) the opportunity to elect to have contributions made, or to be treated as so electing, under clause (i)(I), or (ii), of subparagraph (A);~~

~~"(II) the opportunity to elect not to have payroll deduction contributions made or to have such contributions made at a different percentage or in a different amount, and~~

~~"(III) the opportunity under subparagraph (A)(iii) to modify the manner in which such amounts are invested for such year.~~

~~The employer shall provide such notice in paper form or, if the employee so elects, in electronic form.~~

~~"(C) LIMITS ON CONTRIBUTIONS.— An employer shall not be treated as failing to satisfy the requirements of this section or any other provision of this title~~

~~merely because—~~

~~"(i) aggregate payroll deduction contributions by or on behalf of an individual to individual retirement accounts of the individual exceed the deductible amount in effect under section 219(b)(5) (determined without regard to subparagraph (B) thereof) for any taxable year in which any payroll deduction contributions by the employer under an automatic IRA arrangement are made, or~~

~~"(ii) the employer chooses to limit the payroll deduction contributions under this subsection on behalf of an employee for any calendar year in a manner reasonably designed to avoid exceeding such deductible amount.~~

~~"(D) DEFAULT TREATMENT AS ROTH IRA.— An employee on whose behalf payroll deduction contributions are made to an individual retirement account under subparagraph (A) may elect, at such time and in such manner and form as the Secretary may prescribe, whether to treat the individual retirement account as designated as a Roth IRA. If no such election is made, the account shall be treated as so designated.~~

~~"(E) DEPOSITS TO INDIVIDUAL RETIREMENT ACCOUNTS OF A DESIGNATED TRUSTEE OR ISSUER.—~~

~~"(i) IN GENERAL.— An employer shall not be treated as failing to satisfy the requirements of this section, or any other provision of this title, merely because the employer makes all payroll deduction contributions on behalf of all employees (or all employees who do not specify an individual retirement account, trustee, or issuer to receive the contributions) to individual retirement accounts specified in clause (ii).~~

~~"(ii) INDIVIDUAL RETIREMENT ACCOUNTS OTHER THAN THOSE SELECTED BY EMPLOYEE.— An employer may elect to have payroll deduction contributions for all employees participating in an automatic IRA arrangement made to individual retirement accounts of a trustee or issuer under the arrangement that has been designated by the employer, but only if the provider of such accounts, and the investments therein, are identified on the website established under subparagraph (F)(iii). The preceding sentence shall not apply unless each participant is notified in writing that the participant's balance may be transferred without cost or penalty to another individual retirement account established by or on behalf of the participant. Such notice shall be in paper form or, if the employee so elects, electronic form.~~

~~"(iii) EMPLOYERS MAY PERMIT EMPLOYEE TO CHOOSE IRA.— If the employer so elects, the arrangement may provide for an employee election to have payroll deduction contributions made to any individual retirement account specified by the employee.~~

~~"(iv) REGULATIONS.— The Secretary may issue such regulations as are necessary to carry out the purposes of this subparagraph, including~~

~~establishment of procedures to assist employers in connecting with certified and available providers of individual retirement accounts and to communicate to individuals the importance of investment diversification.~~

~~"(F) MODEL NOTICE, ETC.—The Secretary shall—~~

~~"(i) provide a model notice, written in a manner calculated to be understandable to the average worker, that is simple for employers to use—~~

~~"(I) to notify employees of the requirement under this section for the employer to provide certain employees with the opportunity to participate in an automatic IRA arrangement, and~~

~~"(II) to satisfy the requirements of subparagraph (B)(ii);~~

~~"(ii) provide model forms for enrollment, including automatic enrollment, in an automatic IRA arrangement;~~

~~"(iii) establish a website or other electronic means that small employers and individuals can access and use to obtain information on automatic IRA arrangements (including clear, standardized, easy-to-compare information on fees and expenses and investment returns in a format prescribed by the Secretary) and to obtain notices and forms, and~~

~~"(iv) establish a process—~~

~~"(I) for the provider of an automatic IRA arrangement to demonstrate to the Secretary that the arrangement is described in this paragraph and meets the requirements specified in paragraph (1)(B); and~~

~~"(II) to certify any arrangement that the Secretary determines so demonstrates, to regularly monitor compliance and update such determinations and certifications, and to list all arrangements so certified on the website described in clause (iii) as appropriate for use by employers and participants.~~

~~The information referred to in clause (iii) shall be provided in a manner designed to assist employers and providers by facilitating the identification by employers of private-sector providers of individual retirement accounts, including the provider's investment options, that are appropriate for use in automatic IRA arrangements.~~

~~"(G) SAFE HARBOR FOR CERTAIN STATE-PROVIDED ARRANGEMENTS.—An arrangement facilitated by an employer shall not fail to be treated as an automatic IRA arrangement merely because such arrangement is provided or otherwise offered, in whole or in part, by a State.~~

~~"(H) INDIVIDUAL RETIREMENT ACCOUNT.—For purposes of this paragraph, the term 'individual retirement account' shall have the meaning given such term by section 408(a), except that such term shall include individual retirement annuities (as defined in section 408(b))."~~

~~(2) OTHER RULES APPLICABLE TO AUTOMATIC IRA ARRANGEMENTS.—~~

~~(A) PENALTY FOR FAILURE TO TIMELY REMIT CONTRIBUTIONS TO AUTOMATIC IRA ARRANGEMENTS.—~~

Section 4975(c) is amended by adding at the end the following new paragraph:

~~"(7) SPECIAL RULE FOR AUTOMATIC IRA ARRANGEMENTS.—~~ For purposes of paragraph (1), if an employer is required under an automatic IRA arrangement (as defined in section 414(aa)(1)(B)) to deposit amounts withheld from an employee's compensation into an individual retirement account (within the meaning of section 414(aa)(8)(H)) but fails to do so within the time prescribed under section 414(aa)(8)(B)(i), such amounts shall be treated as assets of the individual retirement account."

~~(B) WAIVER OF EARLY WITHDRAWAL PENALTY FOR CERTAIN DISTRIBUTIONS FOLLOWING INITIAL ELECTION TO PARTICIPATE IN AUTOMATIC IRA ARRANGEMENT.—~~

Section 72(t) is amended by adding at the end the following new paragraph:

~~"(11) DISTRIBUTION FOLLOWING INITIAL ELECTION TO PARTICIPATE IN AUTOMATIC IRA ARRANGEMENT.—~~ Paragraph (1) shall not apply in the case of a distribution—

~~"(A) to an individual from an individual retirement account (within the meaning of section 414(aa)(8)(H)) that is part of an automatic IRA arrangement (as defined in section 414(aa)(8)(A)), and~~

~~"(B) made not later than 90 days after the initial election under section 414(aa)(8)(A)(ii)."~~

~~(C) AUTOMATIC IRA ADVISORY GROUP.—~~

~~(i) IN GENERAL.—~~ Not later than 90 days after the date of the enactment of this Act, the Secretary of the Treasury shall establish an Automatic IRA Advisory Group (hereinafter in this subparagraph referred to as the "Advisory Group"). The purpose of the Advisory Group shall be to make recommendations, advise, and assist in the Secretary's implementation and administration of paragraphs (5), (6), and (8) of section 414(aa) of the Internal Revenue Code of 1986 with respect to automatic IRA arrangements in the best financial interest of savers, including—

~~(i) the procedures and criteria for the periodic certification, website listing, and monitoring of investment options that meet the requirements of those paragraphs;~~

~~(ii) user-friendly disclosure regarding investment returns, terms, fees, and expenses to facilitate comparison;~~

~~(iii) the use of low-cost investment options;~~

~~(iv) the appropriate use of electronic and paper methods to provide notice and disclosure;~~

~~(v) any possible learnings or efficiencies based on the Secretary's procedures and experience in approving nonbank individual retirement account trustees, and~~

~~(VI) such other related matters as may be determined by the Secretary.~~

~~(ii) MEMBERSHIP.—The Advisory Group shall consist of not more than 15 members and shall be composed of—~~

~~(I) such individuals as the Secretary may consider appropriate to provide expertise regarding the financial needs and challenges of lower- and middle-income households;~~

~~(II) at least one individual who is an expert in retirement-related consumer protections or who represents the general public; and~~

~~(III) at least one representative of the Department of the Treasury.~~

~~(iii) COMPENSATION.—The members of the Advisory Group shall serve without compensation.~~

~~(iv) ADMINISTRATIVE SUPPORT.—The Department of the Treasury shall provide appropriate administrative support to the Advisory Group, including technical assistance. The Advisory Group may use the services and facilities of such Department, with or without reimbursement, as determined by such Department.~~

~~(v) REPORT BY ADVISORY GROUP.—Not later than 1 year after the date of the enactment of this Act, the Advisory Group shall submit to the Secretary of the Treasury a report containing its recommendations. The Secretary may request that the Advisory Group submit subsequent reports.~~

~~(b) EXCISE TAX FOR FAILURE TO MAINTAIN OR FACILITATE AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS.—~~

~~(1) IN GENERAL.—Chapter 43 is amended by adding at the end the following new section:~~

~~**"Sec. 4980J. Failure to maintain or facilitate automatic contribution plans or arrangements**~~

~~"(a) GENERAL RULE.—~~

~~"(1) IN GENERAL.—There is hereby imposed a tax on the failure of an employer to maintain or facilitate an automatic contribution plan or arrangement.~~

~~"(2) EXCEPTIONS.—~~

~~"(A) Paragraph (1) shall not apply to an employer to the extent such employer participates in an arrangement under a qualified State law.~~

~~"(B) Paragraph (1) shall not apply to an employer with respect to any employee who is eligible to participate in a different automatic contribution plan or arrangement than one or more other employees of the employer.~~

~~"(b) AMOUNT OF TAX.—~~

~~"(1) IN GENERAL.—The amount of the tax imposed by subsection (a) on any failure with respect to an employee shall be \$10 for each day in the noncompliance period with respect to such failure.~~

~~"(2) NONCOMPLIANCE PERIOD.— For purposes of this section, the term 'noncompliance period' means, with respect to any failure, the period—~~

~~"(A) beginning on the date such failure first occurs, and~~

~~"(B) ending on the earlier of—~~

~~"(i) the date such failure is corrected, or~~

~~"(ii) with respect to any employer, the date that is 3 months after the last date on which the employee is required to be eligible to participate in an automatic contribution plan or arrangement maintained or facilitated by such employer.~~

~~"(3) ADJUSTMENT FOR INFLATION.—~~

~~"(A) IN GENERAL.— In the case of any failure relating to maintaining or facilitating a plan or arrangement in a calendar year beginning after 2023, the \$10 amount under paragraph (1) shall be increased by an amount equal to such dollar amount multiplied by the cost-of-living adjustment determined under section 1(f)(3) for the calendar year determined by substituting 'calendar year 2022' for 'calendar year 2016' in subparagraph (A)(ii) thereof.~~

~~"(B) ROUNDING.— If any amount adjusted under subparagraph (A) is not a whole dollar amount, such amount shall be rounded to the nearest whole dollar amount.~~

~~"(c) LIMITATIONS ON AMOUNT OF TAX.—~~

~~"(1) TAX NOT TO APPLY WHERE FAILURE NOT DISCOVERED EXERCISING REASONABLE DILIGENCE.— No tax shall be imposed by subsection (a) on any failure during any period for which it is established to the satisfaction of the Secretary that none of the persons referred to in subsection (e) knew, nor exercising reasonable diligence would have known, that such failure existed:~~

~~"(2) TAX NOT TO APPLY TO FAILURES CORRECTED WITHIN 9½ MONTHS.— No tax shall be imposed by subsection (a) on any failure if—~~

~~"(A) such failure was due to reasonable cause and not to willful neglect, and~~

~~"(B) such failure is corrected during the 9½-month period beginning on the first date any of the persons referred to in subsection (e) knew that such failure existed, or exercising reasonable diligence would have known.~~

~~"(3) OVERALL LIMITATION FOR UNINTENTIONAL FAILURES.— In the case of failures which are due to reasonable cause and not to willful neglect—~~

~~"(A) GENERAL RULE.— The tax imposed by subsection (a) for failures during the taxable year of the employer shall not exceed \$500,000:~~

~~"(B) TAXABLE YEARS IN THE CASE OF CERTAIN CONTROLLED GROUPS.— For purposes of this subparagraph, if not all persons who are treated as a single employer for purposes of this section have the same taxable year, the taxable years taken into account shall be determined under principles similar to the principles of section 1561.~~

~~"(4) WAIVER BY SECRETARY.— In the case of a failure which is due to reasonable cause and not to willful neglect, the Secretary may waive part or all of the tax imposed by subsection (a) to the extent that the payment of such tax would be excessive relative to the failure involved.~~

~~"(d) TAX NOT TO APPLY IN CERTAIN CASES.— This section shall not apply in the case of—~~

~~"(1) any employer with respect to a plan or arrangement that, during the prior calendar year, was maintained or facilitated only by employers each of which had no more than 5 employees receiving at least \$5,000 of compensation from the employer for such year;~~

~~"(2) any employer with respect to a governmental plan (within the meaning of section 414(d));~~

~~"(3) any employer with respect to a church plan (within the meaning of section 414(e)), or~~

~~"(4) any employer that has been in existence for fewer than 2 years, taking into account all predecessor employers.~~

~~"(e) LIABILITY FOR TAX.— The employer shall be liable for the tax imposed by subsection (a) on a failure. All employers, determined without regard to subsection (f)(2), shall be jointly and severally liable for the liability of any other employer with which they are aggregated under subsection (f)(2).~~

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

~~"(1) AUTOMATIC CONTRIBUTION PLAN OR ARRANGEMENT.— The term 'automatic contribution plan or arrangement' has the meaning given such term under section 414(aa), and~~

~~"(2) EMPLOYER.— The term 'employer' includes all employers treated as a single employer under subsection (b), (c), (m), or (o) of section 414.~~

~~"(3) QUALIFIED STATE LAW.— The term 'qualified State law' means a State law (as it may be amended from time to time) that—~~

~~"(A) was enacted before the date of the enactment of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, and~~

~~"(B)~~

~~"(i) requires certain employers to facilitate an automatic IRA arrangement pursuant to a payroll deduction savings program of the State, or~~

~~"(ii) allows certain employers to contribute to, or participate in, a plan described in section 413(c) of such Code established and maintained by the State."~~

~~(2) CLERICAL AMENDMENT.— The table of sections for chapter 43 is amended by adding at the end the following new item:~~

~~"Sec. 4980J. Failure to maintain or facilitate automatic contribution plans or~~

arrangements."

(e) EFFECTIVE DATE.— The amendments made by this section shall apply to plan years beginning after December 31, 2022.

* **Sec. 131102. Deferral-only arrangements**

(a) IN GENERAL.—

Section 401(k) is amended by adding at the end the following new paragraph:

~~"(16) DEFERRAL-ONLY ARRANGEMENT.—~~

~~"(A) IN GENERAL.— A deferral-only arrangement shall be treated as meeting the requirements of paragraph (3)(A)(ii).~~

~~"(B) DEFERRAL-ONLY ARRANGEMENT.— For purposes of this paragraph, the term 'deferral-only arrangement' means any cash or deferred arrangement which meets—~~

~~"(i) the automatic deferral requirements of subparagraph (C);~~

~~"(ii) the elective contribution requirement of subparagraph (D), and~~

~~"(iii) the requirements of subparagraph (E) of paragraph (13).~~

~~"(C) AUTOMATIC DEFERRAL.—~~

~~"(i) IN GENERAL.— The requirements of this subparagraph shall be treated as met if, under the arrangement, each employee eligible to participate in the arrangement is treated as having elected to have the employer make elective contributions in an amount equal to the qualified percentage of compensation.~~

~~"(ii) ELECTION OUT.— The election treated as having been made under clause (i) shall cease to apply with respect to any employee if such employee makes an affirmative election—~~

~~"(I) to not have such contributions made, or~~

~~"(II) to make elective contributions at a level specified in such affirmative election.~~

~~"(iii) QUALIFIED PERCENTAGE.— For purposes of this subparagraph, with respect to any employee, the term 'qualified percentage' means, in lieu of the meaning given such term in paragraph (13)(C)(iii), any percentage determined under the arrangement if such percentage is applied uniformly, does not exceed 15 percent (10 percent during the period described in subclause (I)) and is at least—~~

~~"(I) 6 percent during the period ending on the last day of the first plan year which begins after the date on which the first elective contribution described in clause (i) is made with respect to such employee;~~

~~"(II) 7 percent during the first plan year following the plan year described in subclause (I);~~

~~"(III) 8 percent during the first plan year following the plan year described in subclause (I);~~

~~"(IV) 9 percent during the first plan year following the plan year described in subclause (III), and~~

~~"(V) 10 percent during any subsequent plan year.~~

~~"(D) ELECTIVE CONTRIBUTIONS.—~~

~~"(i) IN GENERAL.—The requirements of this subparagraph are met if under the plan containing the arrangement—~~

~~"(I) the only contributions which may be made are elective contributions of employees who are eligible to participate in the arrangement, and~~

~~"(II) the aggregate amount of such elective contributions which may be made with respect to any employee for any calendar year shall not exceed the amount in effect for the taxable year under section 219(b)(5) (determined without regard to subparagraph (B) thereof).~~

~~"(ii) CROSS REFERENCE.—For catch-up contributions for individuals age 50 or over, see section 414(v)."~~

~~(b) CATCH-UP CONTRIBUTIONS FOR INDIVIDUALS AGE 50 AND OVER.—~~

~~(1) Section 414(v)(2)(B)(i) is amended by inserting ", 401(k)(16)," after "401(k)(11)".~~

~~(2) Section 414(v)(2)(B) is amended by adding at the end thereof the following clause:~~

~~"(iii) In the case of an applicable employer plan described in section 401(k)(16); the applicable dollar amount is \$1,000."~~

~~(3) Section 414(v)(2)(C) is amended—~~

~~(A) by striking "(B)(i) and" and inserting "(B)(i)," and by inserting after "subparagraph (B)(ii)" the following: ", and the \$1,000 amount described in subparagraph (B)(iii)";~~

~~(B) inserting after "2005" the following: "(the calendar quarter beginning July 1, 2020, in the case of the \$1,000 amount described in subparagraph (B)(iii))"; and~~

~~(C) by inserting before the period at the end the following "\$100 in the case of an increase in the amount described in subparagraph (B)(iii) which is not a multiple of \$100)";~~

~~(c) PLANS NOT TREATED AS TOP-HEAVY PLANS.—Section 416(g)(4)(H)(i) is amended by striking "or 401(k)(13)" and inserting "401(k)(13), or 401(k)(16)".~~

~~(d) EFFECTIVE DATE.—The amendments made by this section shall apply to plan years beginning after December 31, 2022.~~

*** Sec. 131403. Increase in credit limitation for small employer pension plan startup costs including for automatic contribution plan or arrangement**

~~(a) YEARS FOR WHICH CREDIT IS ALLOWED.—Section 45E(b)(1) is amended by striking "2 taxable years" and inserting "4 taxable years".~~

~~(i) SPECIAL RULE FOR EMPLOYER(S) WITH 25 OR FEWER EMPLOYEES.—Section 45E(a) is amended by inserting before the period at the end the following: "(100 percent of such costs in~~

the case of an eligible employer with 25 or fewer employees, as determined by substituting '25' for '100' in section 408(p)(2)(C)(i))".

~~(c) CREDIT NOT TO APPLY TO CERTAIN PLANS OR ARRANGEMENTS.—~~

~~(1) NO CREDIT WITH RESPECT TO DEFERRAL-ONLY ARRANGEMENTS.—~~ Section 45E(d)(2) is amended by inserting "(other than a deferral-only arrangement (as defined in section 401(k)(16)(B))" before the period at the end.

~~(2) TERMINATION WITH RESPECT TO PLANS OTHER THAN AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS.—~~ Section 45E is amended by adding at the end the following new subsection:

~~"(f) CREDIT TERMINATED FOR NON-AUTOMATIC CONTRIBUTION PLANS OR ARRANGEMENTS AFTER 2022.—~~ In the case of taxable years beginning after December 31, 2022, no credit shall be allowed under this section for amounts paid or incurred with respect to an eligible employer plan that is not an automatic contribution plan or arrangement (as defined in section 414(aa))."

~~(d) EFFECTIVE DATE.—~~ The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

*** Sec. 131104. Credit for certain small employer automatic retirement arrangements**

~~(a) IN GENERAL.—~~

Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

"Sec. 45U. Credit for certain small employer automatic retirement arrangements

~~"(a) GENERAL RULE.—~~ For purposes of section 38, in the case of an eligible employer, the small employer automatic retirement arrangement credit determined under this section for any taxable year in the credit period is \$500.

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

~~"(1) ELIGIBLE EMPLOYER.—~~ The term 'eligible employer' means, with respect to the calendar year in which the taxable year begins, an employer which —

~~"(A)~~

~~"(i) participates in an automatic IRA arrangement (as defined in section 414(aa)(8)), or an arrangement described in 4980J(a)(2)(A), or~~

~~"(ii) maintains a deferral-only arrangement (as defined in section 401(k)(16));~~

~~"(B) is described in 408(p)(2)(C)(i), and~~

~~"(C) did not maintain an eligible employer plan during the portion of the calendar year preceding the commencement of such arrangement, or adoption of such deferral-only arrangement, and the 2 preceding calendar years.~~

~~"(2) CREDIT PERIOD.—~~ The term 'credit period' means the first 4 calendar years beginning after the date of the enactment of this section in which the eligible employer participates in the arrangement or maintains the deferral-only arrangement.

~~"(3) ELIGIBLE EMPLOYER PLAN.—The term 'eligible employer plan' means a qualified employer plan within the meaning of section 4072(d).~~

~~"(e) OTHER RULES.—For purposes of this section, the rules of section 45E(e) shall apply."~~

~~(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—~~

~~Section 38(b) of is amended by striking "plus" at the end of paragraph (32), by striking the period at the end of paragraph (33) and inserting ", plus", and by adding at the end the following new paragraph:~~

~~"(34) the small employer automatic retirement arrangement credit determined under section 45U(a)."~~

~~(c) CLERICAL AMENDMENT.—~~

~~The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new item:~~

~~"Sec. 45U. Credit for certain small employer automatic retirement arrangements."~~

~~(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.~~

~~* **Sec. 131201. Matching payments for elective deferral and IRA contributions by certain individuals**~~

~~(a) IN GENERAL.—~~

~~Subchapter B of chapter 65 is amended by adding at the end the following new section:~~

~~**"Sec. 6433. Matching payments for elective deferral and IRA contributions by certain individuals**~~

~~"(a) IN GENERAL.—~~

~~"(1) ALLOWANCE OF CREDIT.—Any eligible individual who makes qualified retirement savings contributions for the taxable year shall be allowed a credit for such taxable year in an amount equal to the applicable percentage of so much of the qualified retirement savings contributions made by such eligible individual for the taxable year as does not exceed \$1,000.~~

~~"(2) PAYMENT OF CREDIT.—The credit under this section shall be—~~

~~"(A) treated as allowed by subpart C of part IV of subchapter A of chapter 1, and~~

~~"(B) paid by the Secretary as a contribution (as soon as practicable after the eligible individual has filed a tax return making a claim for such credit for the taxable year) to the applicable retirement savings vehicle of an eligible individual.~~

~~"(b) APPLICABLE PERCENTAGE.—For purposes of this section—~~

~~"(1) IN GENERAL.—Except as provided in paragraph (2), the applicable percentage is 50 percent.~~

~~"(2) PHASEOUT.—The percentage under paragraph (1) shall be reduced (but not below zero) by the number of percentage points which bears the same ratio to 50~~

~~percentage points as—~~

~~"(A) the excess of—~~

~~"(i) the taxpayer's modified adjusted gross income for such taxable year,
over~~

~~"(ii) the applicable dollar amount, bears to~~

~~"(B) the phaseout range.~~

~~If any reduction determined under this paragraph is not a whole percentage point, such
reduction shall be rounded to the next lowest whole percentage point.~~

~~"(3) APPLICABLE DOLLAR AMOUNT; PHASEOUT RANGE.—~~

~~"(A) JOINT RETURNS.— Except as provided in subparagraph (B)—~~

~~"(i) the applicable dollar amount is \$50,000, and~~

~~"(ii) the phaseout range is \$20,000.~~

~~"(B) OTHER RETURNS.— In the case of—~~

~~"(i) a head of a household (as defined in section 2(b)), the applicable dollar
amount and the phaseout range shall be 3/4 of the amounts applicable under
subparagraph (A) (as adjusted under subsection (h)), and~~

~~"(ii) any taxpayer who is not filing a joint return and who is not a head of a
household (as so defined), the applicable dollar amount and the phaseout range
shall be 1/2 of the amounts applicable under subparagraph (A) (as so adjusted).~~

~~"(4) EXCEPTION; MINIMUM CREDIT.— In the case of an eligible individual with respect
to whom (without regard to this paragraph) the credit determined under subsection (a)(1)
is greater than zero but less than \$100, the credit allowed under this section shall be
\$100.~~

~~"(c) ELIGIBLE INDIVIDUAL.— For purposes of this section—~~

~~"(1) IN GENERAL.— The term 'eligible individual' means any individual if such
individual has attained the age of 18 as of the close of the taxable year.~~

~~"(2) DEPENDENTS AND FULL-TIME STUDENTS NOT ELIGIBLE.— The term 'eligible
individual' shall not include—~~

~~"(A) any individual with respect to whom a deduction under section 151 is
allowed to another taxpayer for a taxable year beginning in the calendar year in
which such individual's taxable year begins, and~~

~~"(B) any individual who is a student (as defined in section 152(f)(2)).~~

~~"(d) QUALIFIED RETIREMENT SAVINGS CONTRIBUTIONS.— For purposes of this section—~~

~~"(1) IN GENERAL.— The term 'qualified retirement savings contributions' means, with
respect to any taxable year, the sum of—~~

~~"(A) the amount of the qualified retirement contributions (as defined in section
219(e)) made by the eligible individual;~~

~~"(B) the amount of— (l)~~

~~"(i) any elective deferrals (as defined in section 402(g)(3)) of such individual, and~~

~~"(ii) any elective deferral of compensation by such individual under an eligible deferred compensation plan (as defined in section 457(b)) of an eligible employer described in section 457(e)(1)(A);~~

~~"(C) the amount of voluntary employee contributions by such individual to any qualified retirement plan (as defined in section 4074(c)), and~~

~~"(D) the amount of contributions made by such individual to the ABLE account (within the meaning of section 529A) of which such individual is the designated beneficiary.~~

~~Such term shall not include any amount attributable to a payment under subsection (a) (2).~~

~~"(2) REDUCTION FOR CERTAIN DISTRIBUTIONS.—~~

~~"(A) IN GENERAL.— The qualified retirement savings contributions determined under paragraph (1) for a taxable year shall be reduced (but not below zero) by the aggregate distributions received by the individual during the testing period from any entity of a type to which contributions under paragraph (1) may be made.~~

~~"(B) TESTING PERIOD.— For purposes of subparagraph (A), the testing period, with respect to a taxable year, is the period which includes—~~

~~"(i) such taxable year;~~

~~"(ii) the 2 preceding taxable years, and~~

~~"(iii) the period after such taxable year and before the due date (including extensions) for filing the return of tax for such taxable year.~~

~~"(C) EXCEPTED DISTRIBUTIONS.— There shall not be taken into account under subparagraph (A)—~~

~~"(i) any distribution referred to in section 72(p), 401(k)(8), 401(m)(6), 402(g) (2), 404(k), or 408(d)(4);~~

~~"(ii) any distribution to which section 408(d)(3) or 408A(d)(3) applies;~~

~~"(iii) any portion of a distribution if such portion is transferred or paid in a rollover contribution (as defined in section 402(e), 403(a)(4), 403(b)(8), 408A(c), or 457(e)(16)) to an account or plan to which qualified retirement contributions can be made, and~~

~~"(iv) the amount of distributions under a qualified ABLE program (within the meaning of section 529A) that is equal to amounts not included in gross income with respect to such distributions under section 529A(e)(1)(B) (relating to distributions for qualified disability expenses);~~

~~"(D) TREATMENT OF DISTRIBUTIONS RECEIVED BY SPOUSE OF INDIVIDUAL.— For purposes of determining distributions received by an individual under subparagraph (A), for any taxable year, any distribution received by the spouse of such individual shall be treated as received by such individual if such individual and spouse file a~~

joint return for such taxable year and for the taxable year during which the spouse receives the distribution.

~~"(e) APPLICABLE RETIREMENT SAVINGS VEHICLE.—~~

~~"(1) IN GENERAL.— The term 'applicable retirement savings vehicle' means an account or plan elected by the eligible individual under paragraph (2).~~

~~"(2) ELECTION.— Any such election to have contributed the amount determined under subsection (a) shall be to an account or plan which—~~

~~"(A) is a Roth IRA or a designated Roth account (within the meaning of section 402A) of an applicable retirement plan (as defined in section 402A(e)(1));~~

~~"(B) is for the benefit of the eligible individual,~~

~~"(C) accepts contributions made under this section, and~~

~~"(D) is designated by such individual (in such form and manner as the Secretary may provide).~~

~~"(f) OTHER DEFINITIONS AND SPECIAL RULES.—~~

~~"(1) MODIFIED ADJUSTED GROSS INCOME.— For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income—~~

~~"(A) determined without regard to sections 911, 931, and 933, and~~

~~"(B) determined without regard to any exclusion or deduction allowed for any qualified retirement savings contribution made during the taxable year.~~

~~"(2) TREATMENT OF CONTRIBUTIONS.— In the case of any contribution under subsection (a)(2)—~~

~~"(A) except as otherwise provided in this section or by the Secretary under regulations, such contribution shall be treated as—~~

~~"(i) an elective deferral made by the individual which is a designated Roth contribution, if contributed to an applicable retirement plan, or~~

~~"(ii) as a Roth IRA contribution made by such individual, if contributed to a Roth IRA, and~~

~~"(B) such contribution shall not be taken into account with respect to any applicable limitation under sections 402(g)(1), 403(b), 408(a)(1), 408(b)(2)(B), 408A(e)(2), 414(v)(2), 415(e), or 457(b)(2), and shall be disregarded for purposes of sections 401(a)(4), 401(k)(3), 401(k)(11)(B)(i)(III), and 416.~~

~~"(3) TREATMENT OF QUALIFIED PLANS, ETC.— A plan or arrangement to which a contribution is made under this section shall not be treated as violating any requirement under section 401, 403, 408A, or 457 solely by reason of accepting such contribution.~~

~~"(4) ERRONEOUS CREDITS.—~~

~~"(A) IN GENERAL.— If any contribution is erroneously paid under subsection (a) (2), including a payment that is not made to an applicable retirement savings vehicle, the amount of such erroneous payment shall be treated as an underpayment of tax (not less than for purposes of part II of subchapter A of chapter 68) for the taxable year in which the Secretary determines the payment is erroneous.~~

~~"(B) DISTRIBUTION OF ERRONEOUS CREDITS.— In the case of a contribution to which subparagraph (A) applies—~~

~~"(i) section 72 shall not apply to the distribution of such contribution (and any income attributable thereto) if such distribution is received not later than the day prescribed by law (including extensions of time) for filing the individual's return for such taxable year, and~~

~~"(ii) any plan or arrangement from which such a distribution is made under this subparagraph shall not be treated as violating any requirement under section 401, 403, 408A, or 457 solely by reason of making such distribution.~~

~~"(g) PROVISION BY SECRETARY OF INFORMATION RELATING TO CONTRIBUTIONS.— In the case of an amount elected by an eligible individual to be contributed to an account or plan under subsection (e)(2), the Secretary shall provide guidance to the custodian of the account or the plan sponsor, as the case may be, detailing the treatment of such contribution under subsection (f)(2) and the reporting requirements with respect to such contribution under section 131201(e)(2) of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14.~~

~~"(h) INFLATION ADJUSTMENTS.—~~

~~"(1) IN GENERAL.— In the case of any taxable year beginning in a calendar year after 2020, each of the dollar amounts in subsections (a)(1) and (b)(3)(A)(i) shall be increased by an amount equal to—~~

~~"(A) such dollar amount, multiplied by~~

~~"(B) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting 'calendar year 2019' for 'calendar year 2016' in subparagraph (A)(ii) thereof.~~

~~"(2) ROUNDING.— Any increase determined under paragraph (1) shall be rounded to the nearest multiple of—~~

~~"(A) \$100 in the case of an adjustment of the amount in subsection (a)(1), and~~

~~"(B) \$1,000 in the case of an adjustment of the amount in subsection (b)(3)(A)(i)."~~

~~(b) TREATMENT OF CERTAIN POSSESSIONS.—~~

~~(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.— The Secretary of the Treasury shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the amendments made by this section. Such amounts shall be determined by the Secretary of the Treasury based on information provided by the government of the respective possession.~~

~~(2) PAYMENTS TO OTHER POSSESSIONS.— The Secretary of the Treasury shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary of the Treasury as being equal to the aggregate benefit (if any) that would have been provided to residents of such possession by reason of the amendments made by this section if a mirror code tax system had been in effect in~~

~~such possession. The preceding sentence shall not apply unless the respective possession has a plan, which has been approved by the Secretary of the Treasury, under which such possession will promptly distribute such payments to its residents.~~

~~(3) COORDINATION WITH CREDIT ALLOWED AGAINST UNITED STATES INCOME TAXES.—~~

~~No credit shall be allowed against United States income taxes under section 6433 of the Internal Revenue Code of 1986 (as added by this section) to any person—~~

~~(A) to whom a credit is allowed against taxes imposed by the possession by reason of the amendments made by this section, or~~

~~(B) who is eligible for a payment under a plan described in paragraph (2).~~

~~(4) MIRROR CODE TAX SYSTEM.— For purposes of this subsection, the term "mirror code tax system" means, with respect to any possession of the United States, the income tax system of such possession if the income tax liability of the residents of such possession under such system is determined by reference to the income tax laws of the United States as if such possession were the United States.~~

~~(5) TREATMENT OF PAYMENTS.— For purposes of section 1324 of title 31, United States Code, the payments under this subsection shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.~~

~~(e) ADMINISTRATIVE PROVISIONS.—~~

~~(1) DEFICIENCIES.— Section 6211(b)(4) is amended by striking "and 7527A" and inserting "7527A, and 6433".~~

~~(2) REPORTING.— The Secretary of the Treasury shall—~~

~~(A) amend Form 5500 to require separate reporting of the aggregate amount of contributions received by the plan during the year under section 6433 of the Internal Revenue Code of 1986 (as added by this section), and~~

~~(B) amend Form 5498 to require similar reporting with respect to individual retirement accounts (as defined in section 408 of such Code) and individual retirement annuities (as defined in section 408(b) of such Code).~~

~~(d) PAYMENT AUTHORITY.— Section 1324(b)(2) of title 31, United States Code, is amended by striking "or 7527A" and inserting "7527A, or 6433".~~

~~(e) CONFORMING AMENDMENTS.—~~

~~(1) Section 25B is amended by striking subsections (a) through (f) and inserting the following: For payment of credit related to qualified retirement savings contributions, see section 6433.~~

~~(2) The table of sections for subchapter B of chapter 65 is amended by adding at the end the following new item:~~

~~"Sec. 6433. Matching payments for elective deferral and IRA contributions by certain individuals."~~

~~(f) EFFECTIVE DATE.— The amendments made by this section shall apply to taxable years beginning after December 31, 2024.~~

* **Sec. 131202. Deadline to fund IRA with tax refund**

(a) ~~IN GENERAL.~~—Section 219(f)(3) is amended—

(1) ~~by striking "is made not later than" and inserting is made—~~

~~"(i) not later than";~~

(2) ~~by striking the period at the end and inserting ", or", and~~

(3) ~~by adding at the end the following new clause:~~

~~"(ii) by direct deposit by the Secretary pursuant to an election on the return for such taxable year to contribute all or a portion of any amount owed to the taxpayer to an individual retirement account of the taxpayer, but only if the return is filed not later than the date described in clause (i)."~~

(b) ~~EFFECTIVE DATE.~~—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

* **Sec. 100201. Grants for business incubators**

(a) ~~APPROPRIATIONS.~~—

(1) ~~IN GENERAL.~~—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until September 30, 2031, for carrying out section 50 of the Small Business Act, as added by subsection (b).

(2) ~~SET ASIDE.~~—Of the amounts made available under this subsection for a fiscal year, not more than 15 percent shall be available for administrative expenses and costs related to monitoring and oversight.

(b) ~~ESTABLISHMENT.~~—

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

"Sec. 50. Grants for business incubators

"(a) ~~DEFINITIONS.~~—In this section:

"(1) ~~BUSINESS INCUBATOR.~~—The term 'business incubator' means an organization that—

~~"(A) provides resources, which may include physical workspace and facilities, to startups and established small-business concerns;~~

~~"(B) is designed to accelerate the growth and success of small-business concerns through a variety of business support resources and services, including—~~

~~"(i) access to capital, business education, and counseling;~~

~~"(ii) networking opportunities;~~

~~"(iii) mentorship opportunities; and~~

~~"(iv) other services intended to aid in developing a business.~~

~~"(2) ECONOMIC DEVELOPMENT ORGANIZATION.— The term 'economic development organization'—~~

~~"(A) means a regional, State, tribal, or local private nonprofit organization established for purposes of promoting or otherwise facilitating economic development; and~~

~~"(B) includes community financial institutions, as defined in section 7(a)(36)(A).~~

~~"(3) ELIGIBLE APPLICANT.— The term 'eligible applicant' means—~~

~~"(A) an economic development organization;~~

~~"(B) an eligible entity, as defined in section 7(j)(10)(K)(i)(II);~~

~~"(C) an SBA partner organization; or~~

~~"(D) any entity that provides support to startups and small business concerns, as determined by the Administrator.~~

~~"(4) ELIGIBLE SMALL BUSINESS CONCERN.— The term 'eligible small business concern' means a business concern that—~~

~~"(A) is organized or incorporated in the United States;~~

~~"(B) is operating primarily in the United States;~~

~~"(C) meets—~~

~~"(i) the applicable industry-based size standard established under section 3;~~
~~or~~

~~"(ii) the alternate size standard applicable to the program under section 7(a) or the loan programs under title V of the Small Business Investment Act of 1958;~~

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

~~"(E) is—~~

~~"(i) owned and controlled by 1 or more members of an underrepresented community; or~~

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

~~"(5) MEMBER OF AN UNDERREPRESENTED COMMUNITY.— The term 'member of an underrepresented community' means an individual who is—~~

~~"(A) a resident of—~~

~~"(i) a low-income community, as defined in section 45D(e) of the Internal Revenue Code of 1986;~~

~~"(ii) a low-income rural community; or~~

~~"(iii) a HUBZone, as defined in section 31(b);~~

~~"(B) a member of an Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;~~

~~"(C) an individual with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;~~

~~"(D) a veteran;~~

~~"(E) an individual who completed a term of imprisonment; or~~

~~"(F) otherwise identified by the Administrator.~~

~~"(G) SBA PARTNER ORGANIZATION.— The term 'SBA partner organization' means any organization awarded financial assistance in the form of a grant, cooperative agreement, or contract for the purpose of conducting a public project funded, either in whole or in part, under a program of the Administration.~~

~~"(b) AUTHORITY.— The Administrator may provide financial assistance on a competitive basis in the form of a grant, prize, cooperative agreement, or contract for an eligible applicant to provide the services of a business incubator to eligible small business concerns.~~

~~"(c) USE OF FUNDS.— An eligible applicant that receives assistance under this section shall support areas that serve members of an underrepresented community and provide services that shall—~~

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

~~(2) not impose or otherwise collect a fee or other compensation from eligible small business concerns in connection with such services.~~

~~"(d) ONE OR MORE BUSINESS INCUBATORS.— An eligible applicant that receives financial assistance under this section may share such assistance among one or more business incubators to expand access to resources, information, and best practices.~~

~~"(e) AWARD AMOUNT.— An award of financial assistance under this section shall be for not more than \$1,250,000 for each fiscal year for which the award is granted.~~

~~"(f) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.— At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible applicant or order the eligible applicant to return any assistance provided under this section for failure to abide by the terms and conditions of such assistance."~~

*** Sec. 110007. Automated vehicles and mobility innovation**

~~In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, \$8,000,000, to remain available until September 30, 2026, to the Secretary of Transportation to make a grant to a qualified institution of higher education to—~~

~~(1) operate a national highly automated vehicle and mobility innovation clearinghouse;~~

~~(2) collect, conduct, and support research on the secondary and societal impacts of highly automated vehicles and mobility innovation on the built environment; and~~

~~(3) disseminate and make such research available on a public website to assist communities.~~

*** ~~Sec. 110008. Local transportation priorities~~**

~~(a) IN GENERAL.— In addition to amounts otherwise made available, there is appropriated to the Secretary of Transportation for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, \$6,000,000,000 to remain available until September 30, 2026, for projects to advance local surface transportation priorities.~~

~~(b) DAVIS BACON REQUIREMENT.—~~

~~(1) IN GENERAL.— All laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair work carried out, in whole or in part, with assistance made available under this section shall be paid wages at rates not less than those prevailing on projects of a character similar in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter 31 of title 40, United States Code.~~

~~(2) AUTHORITY AND FUNCTIONS.— With respect to the labor standards specified in this subsection, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (64 Stat. 1267; 5 U.S.C. App.) and section 3145 of title 40, United States Code.~~

*** ~~Sec. 110010. Railroad rehabilitation infrastructure and financing credit risk premium assistance~~**

~~(a) APPROPRIATION.— In addition to amounts otherwise available, there is appropriated to the Secretary of Transportation, out of any money in the Treasury not otherwise appropriated, \$150,000,000, in fiscal year 2022, to remain available until September 30, 2026, to provide credit risk premium assistance to eligible entities through the railroad rehabilitation infrastructure and financing program established by title V of the Railroad Revitalization and Regulatory Reform Act of 1976.~~

~~(b) ELIGIBLE ENTITIES.— For purposes of this section, eligible entities shall include—~~

- ~~(1) railroad carriers as defined in section 20102 of title 40, United States Code;~~
- ~~(2) State or local governments; or~~
- ~~(3) government-sponsored authorities or corporations.~~

~~(c) ALLOCATION.—~~

~~(1) PUBLIC PASSENGER RAIL PROJECTS.— Not less than 50 percent of the amounts appropriated under subsection (a) shall be set aside for publicly owned or operated passenger rail projects.~~

~~(2) FREIGHT RAILROADS.— Not less than 25 percent of the amounts appropriated under subsection (a) shall be set aside for freight railroads that are not Class I railroads.~~

*** ~~Sec. 110012. Implementation of the carbon offsetting and reduction scheme for international aviation~~**

~~(a) 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, \$6,000,000, to remain available until September 30, 2026, for the Secretary of Transportation to ensure the United States complies with its obligations with respect to volume IV of annex 16 to the~~

~~Convention on International Civil Aviation (64 Stat. 1180) ("Carbon Offsetting and Reduction Scheme for International Aviation", hereinafter "CORSIA"):~~

~~(b) REGULATIONS.—~~

~~(1) IN GENERAL.—The Secretary shall issue regulations with requirements to ensure the United States complies with the obligations referenced in subsection (a), including requirements for operators of civil aircraft of the United States with respect to—~~

~~(A) monitoring, reporting, and verifying quantities of carbon emissions covered under the CORSIA, cancelling eligible emissions units and reporting and verifying such cancellations, and reporting use of CORSIA eligible fuels; and~~

~~(B) submission of such information as the Secretary determines is necessary with respect to implementation of the CORSIA.~~

~~(2) STANDARDS AND RECOMMENDED PRACTICES.—Regulations issued under this subsection shall be consistent with applicable standards and recommended practices published in volume IV of annex 16 to the Convention on International Civil Aviation (64 Stat. 1180) and associated implementation elements, adopted by the International Civil Aviation Organization prior to enactment of this Act, and any amendments or updates to such standards and related documents with which the United States concurs.~~

~~(c) REPORTS.—Not later than December 31, 2022, and every 3 years thereafter, the Secretary shall submit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Technology of the Senate a report assessing the compliance of operators of civil aircraft registered in the United States with regulations issued under this section as well as the standards and recommended practices referenced in subsection (b)(2), as applicable.~~

*** Sec. 410049. Recompete Pilot Program**

~~(a) ECONOMIC DEVELOPMENT ADMINISTRATION APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$4,000,000,000, to remain available until September 30, 2031, to the Department of Commerce for economic adjustment assistance as authorized by section 209 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to establish a pilot program, to be known as the "Recompete Pilot Program", to provide grants to specified entities to carry out activities in eligible areas and Tribal lands for which a specified entity has jurisdiction or otherwise serves to support local labor markets, local communities, and Tribal governments to alleviate persistent economic distress and labor market dislocation, except that sections 204 and 301 of such Act shall not apply to a grant provided under this section.~~

~~(b) TERM.—A grant shall have a term of 10 fiscal years and be disbursed at such time and in such manner as determined by the Secretary of Commerce in accordance with benchmarking requirements established by the Secretary.~~

~~(c) USE OF FUNDS.—Of the funds provided by this section—~~

~~(1) not less than \$3,855,000,000 shall be used for grants to be awarded to at least 15 specified entities representing eligible areas to carry out activities described in a~~

~~recompete plan approved by the Secretary of Commerce;~~

~~(2) not more than \$25,000,000 may be used for planning and technical assistance grants to be awarded to not more than 50 specified entities representing eligible areas to develop a recompete plan and carry out predevelopment activities; and~~

~~(3) not more than 3 percent shall be used for the administrative costs of carrying out this section.~~

~~(d) LIMITATIONS.—~~

~~(1) ELIGIBLE AREAS.— An eligible area may not benefit from more than 1 grant and 1 grant described in subsection (c)(2).~~

~~(2) LIMITATION ON RECIPIENTS.— For purposes of the program under this section, a specified entity may not receive a grant on behalf of more than 1 eligible area.~~

~~(e) MAXIMUM AWARD AMOUNT.— In determining the maximum amount of a grant that a specified entity may be awarded, the Secretary shall use the product obtained by multiplying~~

~~(1) the prime-age employment gap of the eligible area;~~

~~(2) the prime-age population of the eligible area; and~~

~~(3) either—~~

~~(A) \$70,585 for local labor markets; or~~

~~(B) \$53,600 for local communities.~~

~~(f) DEFINITIONS.— In this section:~~

~~(1) ELIGIBLE AREA.— The term "eligible area" means either of the following:~~

~~(A) A local labor market that—~~

~~(i) has a prime-age employment gap equal to not less than 2.5 percent; and~~

~~(ii) meets additional criteria as the Secretary may establish.~~

~~(B) A local community that—~~

~~(i) has a prime-age employment gap equal to not less than 5 percent;~~

~~(ii) is not located within an eligible local labor market that meets the criteria described in subparagraph (A); and~~

~~(iii) has a median annual household income of not more than \$75,000.~~

~~(2) LOCAL LABOR MARKET.— The term "local labor market" means any of the following areas that contains 1 or more specified entities described in subparagraphs (A) through (D) of paragraph (5):~~

~~(A) A commuting zone, as defined by the Economic Research Service of the Department of Agriculture, excluding all core-based statistical areas within the commuting zone described in subparagraph (B);~~

~~(B) Subject to subparagraph (C), if 1 or more discrete metropolitan statistical areas or micropolitan statistical areas, as defined by the Office of Management and Budget (collectively referred to as "core-based statistical areas"), exists within a~~

~~commuting zone described in subparagraph (A), each such core-based statistical area:~~

~~(C) If the remaining area of a commuting zone described in subparagraph (A), excluding all core-based statistical areas within the commuting zone described in subparagraph (B), contains 1 or fewer counties and has a population of 7,500 or fewer residents, that remaining area combined with an adjacent core-based statistical area within the commuting zone:~~

~~(D) The Tribal land with a Tribal prime-age population represented by a Tribal government:~~

~~(3) LOCAL COMMUNITY.— The term "local community" means the area served by a specified entity described in subparagraphs (A) through (C) of paragraph (5) that—~~

~~(A)~~

~~(i) is located within a local labor market or partial local labor market that is not eligible; or~~

~~(ii) is not coexistent with, or encompassing the entirety of, a local labor market; and~~

~~(B) meets such additional criteria, including a minimum population requirement, as the Secretary may establish.~~

~~(4) PRIME-AGE EMPLOYMENT GAP.—~~

~~(A) IN GENERAL.— The term "prime-age employment gap" means the difference (expressed as a percentage) between—~~

~~(i) the national 5-year average prime-age employment rate; and~~

~~(ii) the 5-year average prime-age employment rate of the eligible area.~~

~~(B) CALCULATION.— For the purposes of subparagraph (A), an individual is prime-age if such individual between the ages of 25 years and 54 years.~~

~~(5) RECOMPETE PLAN.— The term "recompete plan" means a comprehensive 10-year economic development plan that—~~

~~(A) includes—~~

~~(i) proposed programs and activities to be carried out with a grant awarded under this section to address the economic challenges of the eligible area in a manner that promotes long-term, sustained economic growth and reduction in the prime-age employment gap of the eligible area;~~

~~(ii) projected costs and annual expenditures and proposed disbursement schedule; and~~

~~(iii) other information as the Secretary determines appropriate;~~

~~(B) is developed by a specified entity that is the recipient of a planning and technical assistance grant described in subsection (c)(2); and~~

~~(C) is submitted to the Secretary for approval for a specified entity to be considered for a grant under this section.~~

~~(6) SPECIFIED ENTITY.— The term "specified entity" means—~~

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

~~(B) the District of Columbia;~~

~~(C) a territory or possession of the United States;~~

~~(D) a Tribal government;~~

~~(E) a State-authorized political subdivision or other entity, including a special-purpose entity engaged in economic development activities;~~

~~(F) a public entity or nonprofit organization, acting in cooperation with the officials of a political subdivision or entity described in subparagraph (E);~~

~~(G) an economic development district (as defined in section 3 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3122)); and~~

~~(H) a consortium of any of the specified entities described in this paragraph which serve or are contained within the same eligible area.~~

~~(7) TRIBAL GOVERNMENT.— The term "Tribal government" means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published by the Bureau of Indian Affairs on January 29, 2021, pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131).~~

~~(8) TRIBAL LAND.— The term "Tribal land" means any land—~~

~~(A) any land located within the boundaries of an Indian reservation, pueblo, or rancheria; or~~

~~(B) any land not located within the boundaries of an Indian reservation, pueblo, or rancheria, the title to which is held—~~

~~(i) in trust by the United States for the benefit of an Indian Tribe or an individual Indian;~~

~~(ii) by an Indian Tribe or an individual Indian, subject to restriction against alienation under laws of the United States; or~~

~~(iii) by a dependent Indian community.~~

~~(9) TRIBAL PRIME-AGE POPULATION.—~~

~~(A) IN GENERAL.— The term "Tribal prime-age population" shall be equal to the sum obtained by adding—~~

~~(i) the product obtained by multiplying—~~

~~(I) the total number of individuals ages 25 through 54 residing on the Tribal land of the Tribal government; and~~

~~(II) 0.65; and~~

~~(ii) the product obtained by multiplying—~~

~~(I) the total number of individuals ages 25 through 54 included on the membership roll of the Tribal government; and~~

~~(II) 0.35.~~

~~(B) USE OF DATE.— A calculation under subparagraph (A) shall be determined based on data provided by the applicable Tribal government to the Department of the Treasury under the Coronavirus State and Local Fiscal Recovery Fund programs under title VI of the Social Security Act (42 U.S.C. 801 et seq.).~~

*** ~~Sec. 110021. Technology innovation and climate resilience in maritime sector~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$100,000,000, to remain available until September 30, 2027, to the Maritime Administration, for the maritime environmental and technical assistance program under section 50307 of title 46, United States Code, to reduce carbon emissions, reduce vessel noise pollution, and improve the climate resiliency of the marine shipping and the maritime industry.~~

*** ~~Sec. 110024. Polar security cutters and climate science~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$788,000,000, to remain available until September 30, 2031, to the Coast Guard, for the acquisition of the fourth heavy Polar Security Cutter, including scientific laboratory and berthing facilities, to expand access for scientists to the polar regions, to improve climate and weather research, for other polar missions, and for other purposes, as authorized under section 561 of title 14, United States Code.~~

*** ~~Sec. 110025. Small shipyard grants~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$300,000,000, to remain available until September 30, 2027, to the Maritime Administration for the purposes of making grants under the assistance for small shipyards program, as authorized by section 54101 of title 46, United States Code, to improve the climate resiliency and environmental sustainability of the maritime industry and maritime transportation system, including workforce training and equipment acquisition projects that improve the efficiency of shipyard operations, vessel construction and vessel repair. The deadlines established in paragraphs (2) and (3) of subsection (b) and paragraph (1) of subsection (f) of section 54101 of such title shall not apply to amounts made available in this section, and the Secretary of Transportation may carry out multiple rounds of competition.~~

*** ~~Sec. 110026. Port infrastructure and supply chain resilience~~**

~~In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, \$2,500,000,000, to remain available until September 30, 2027, to the Maritime Administration for the purposes of making grants for projects to support supply chain resilience, reduction in port congestion, the development of offshore wind support infrastructure, and environmental remediation, projects to reduce the impact of ports on the environment, and for other purposes. Such grants shall be administered in accordance with the requirements applicable to grants under section 50302 of title 46, United States Code. The deadlines established in paragraph (5) of subsection (c) of section 50302 of such title shall not apply ⁽⁴⁾ to amounts made available in this section, and the Secretary of Transportation may carry out multiple rounds of competition. The Maritime~~

~~Administration shall return to the Treasury any funds appropriated under this section that have not been expended by September 30, 2031.~~

*** ~~Sec. 110027. Grants for rural, small, Tribal, and economically disadvantaged municipality technical assistance and circuit rider programs and workforce development~~**

~~(a) APPROPRIATION.—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, \$495,000,000, to remain available until expended, for the Administrator of the Environmental Protection Agency—~~

~~(1) to provide technical assistance to rural, small, Tribal, and economically disadvantaged municipalities for the purposes identified in subsection (b)(8) of section 404 of the Federal Water Pollution Control Act (33 U.S.C. 1254); and~~

~~(2) for grants for manpower development and training and retraining of workforce employees of publicly owned treatment works in accordance with subsection (g) of such section.~~

~~(b) DETERMINATION OF ECONOMIC DISADVANTAGE.—In determining whether a municipality is economically disadvantaged for the purposes of this section, the Administrator shall, to the maximum extent practicable, take into consideration—~~

~~(1) the criteria under paragraph (1) or (2) of section 301(a) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3161); and~~

~~(2) any affordability criteria established by the State in which the municipality is located pursuant to section 603(i)(2) or 221(c) of the Federal Water Pollution Control Act (33 U.S.C. 1383(i)(2); 1301(c)).~~

*** ~~Sec. 110031. Tribal clean water grants~~**

~~(a) APPROPRIATION.—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, \$500,000,000, to remain available until expended, to make grants, in accordance with subsection (b), to Indian tribes and other entities described in section 518(e)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1377)—~~

~~(1) for—~~

~~(A) projects and activities eligible for assistance under section 603(c) of such Act (33 U.S.C. 1383); and~~

~~(B) training, technical assistance, and educational programs related to the operation and management of treatment works eligible for assistance pursuant to such section 603(c); and~~

~~(2) subject to the condition that—~~

~~(A) any project or activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project or activity (including~~

through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater); and

(B) all of the iron and steel used in any project carried out using such funds are produced in the United States in accordance with section 608 of such Act (33 U.S.C. 1388).

(b) LIMITATION.—In carrying out subsection (a), the Administrator of the Environmental Protection Agency may not require an Indian tribe or other entity receiving a grant under this section to provide, as a condition of eligibility to receive such grant, a share of the cost of the project or activity for which the grant was made.

*** ~~Sec. 110032. Wastewater infrastructure assistance to colonias~~**

~~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, \$125,000,000, to remain available until expended, for the Administrator of the Environmental Protection Agency for carrying out section 307 of the Safe Drinking Water Act Amendments of 1996 (33 U.S.C. 1281 note; 110 Stat. 1688), which funds may be used to award grants under such section to a border State or municipality with jurisdiction over an eligible community (as such terms are defined in such section), on the condition that—~~

~~(1) a project carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater);~~

~~(2) all of the iron and steel used in the project are produced in the United States in accordance with section 608 of the Federal Water Pollution Control Act (33 U.S.C. 1388); and~~

~~(3) an eligible community receiving assistance for such project pursuant to this section shall not be required to provide a share of the costs of carrying out the project.~~

*** ~~Sec. 110033. Clean water needs survey~~**

~~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, \$5,000,000, to remain available until expended, for grants to States and municipalities to carry out a detailed estimate of the cost of construction of all needed publicly owned treatment works pursuant to section 516(b)(1)(B) of the Federal Water Pollution Control Act (33 U.S.C. 1375(b)(1)(B)).~~

*** ~~Sec. 110034. Prohibition on use of funds~~**

~~The Comptroller General of the United States shall provide a report to Congress accounting for any equipment provided by the United States Coast Guard or the Army Corps of Engineers to any prior regime in Afghanistan and that has been left behind in Afghanistan.~~

*** ~~Sec. 110035. Policy of the United States on child labor~~**

~~It is the policy of the United States that funds made available by this title should not be used to purchase products produced whole or in part through the use of child labor, as such term is~~

~~defined in Article 3 of the International Labor Organization Convention concerning the prohibition and immediate action for the elimination of the worst forms of child labor (December 2, 2000), or in violation of human rights.~~

* **Sec. 132001. Child care access**

Part A of title IV of the Social Security Act (42 U.S.C. 601-619) is amended by inserting after section 418 the following:

"Sec. 418A. Child care access

~~"(a) ESTABLISHING STATE CHILD CARE INFORMATION NETWORKS.—~~

~~"(1) DEVELOPMENT.— The Secretary shall conduct a stakeholder engagement process to make recommendations about the development and implementation of the State Child Care Information Networks to be operated by the States, Indian tribes, and territories. The stakeholder engagement process may include parents, center-based child care providers, home-based child care providers, child care policy experts, trade associations, labor unions, and other organizations representing child care providers.~~

~~"(2) MODELS.— The Secretary may use funds made available to the Secretary for administrative purposes to establish national technology models for State Child Care Information Networks, and guidance on development and establishment of interoperable data governance systems that address privacy and allow for sharing and storing data across information systems, including guidance on alignment with State child care consumer education websites.~~

~~"(3) DATA EXCHANGE STANDARDS AND INTEROPERABILITY.—~~

~~"(A) DESIGNATION AND USE OF DATA EXCHANGE STANDARDS.—~~

~~"(i) DESIGNATION.— The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget and considering State government perspectives, designate data exchange standards for necessary categories of information that the Child Care Information Network is required to electronically exchange with another agency under applicable Federal law.~~

~~"(ii) DATA EXCHANGE STANDARDS MUST BE NONPROPRIETARY AND INTEROPERABLE.— The data exchange standards designated under clause (i) shall, to the extent practicable, be nonproprietary and interoperable.~~

~~"(iii) OTHER REQUIREMENTS.— In designating data exchange standards under this subparagraph, the Secretary shall, to the extent practicable, incorporate—~~

~~"(I) interoperable standards developed and maintained by an international voluntary consensus standards body, as defined by the Office of Management and Budget;~~

~~"(II) interoperable standards developed and maintained by intergovernmental partnerships, such as the National Information Exchange Model; and~~

~~"(III) interoperable standards developed and maintained by Federal entities with authority over contracting and financial assistance.~~

~~"(B) DATA EXCHANGE STANDARDS FOR FEDERAL REPORTING.—~~

~~"(i) DESIGNATION.— The Secretary shall, in consultation with an interagency work group established by the Office of Management and Budget, and considering State government perspectives, designate data exchange standards to govern Federal reporting and exchange requirements under applicable Federal law:~~

~~"(ii) REQUIREMENTS.— The data exchange reporting standards required by clause (i) shall, to the extent practicable—~~

~~"(I) incorporate a widely accepted, nonproprietary, searchable, computer-readable format;~~

~~"(II) be consistent with and implement applicable accounting principles;~~

~~"(III) be implemented in a manner that is cost effective and improves program efficiency and effectiveness; and~~

~~"(IV) be capable of being continually upgraded as necessary.~~

~~"(iii) INCORPORATION OF NONPROPRIETARY STANDARDS.— In designating data exchange standards under this subparagraph, the Secretary shall, to the extent practicable, incorporate existing nonproprietary standards.~~

~~"(iv) RULE OF INTERPRETATION.— Nothing in this subparagraph shall be construed to require a change to existing data exchange standards for Federal reporting under this section if the Secretary finds the standards to be effective and efficient.~~

~~"(4) STATE REQUIREMENTS.— A State meets the requirements of this paragraph with respect to a quarter if—~~

~~"(A) during the quarter, the State has maintained an up-to-date, publicly available compilation of child care providers who are registered, licensed, or regulated by the State (in this section referred to as the 'State Child Care Information Network'), that includes, with respect to each such provider—~~

~~"(i) where the provider is located, and a description of any fees imposed by the provider and the services offered by the provider;~~

~~"(ii) whether the provider is providing child care services that may be funded under section 418;~~

~~"(iii) the hours of operation of the provider;~~

~~"(iv) whether the provider offers child care to the general public, and if so, where an application for child care services from the provider may be obtained, or a direct link to such an application;~~

~~"(v) the total number of children, by age group, for whom the provider is providing child care services, and how many openings are available with the provider by age group;~~

~~"(vi) whether the provider has a waiting list for child care services, and if so, the average length of time parents are on the waiting list before being offered child care services and how to join the list;~~

~~"(vii) the type of child care (such as family child care or center-based care) provided, differentiating between licensed and license-exempt child care providers; and~~

~~"(viii) information about the languages spoken by staff of the child care provider, and such other information as the Secretary may require to help parents determine whether the provider can meet their child care needs and the parents can enroll a child in care, such as quality indicators or accreditation status;~~

~~"(B) the State Child Care Information Network—~~

~~"(i) by grant or contract, has been maintained or jointly maintained by—~~

~~"(I) a child care resource and referral agency that has operated in the last fiscal year;~~

~~"(II) a local child care resource and referral agency that has operated in the most recently completed fiscal year and has applied to become a State Child Information Network; or~~

~~"(III) the lead agency, the State licensing entity, or other appropriate entities;~~

~~"(ii) may have been maintained in coordination with, or jointly with, other federally funded systems, so long as there is no supplantation of funding; and~~

~~"(iii) has been made—~~

~~"(I) publicly available, including through the Internet and by telephone, to families seeking information about obtaining child care services; and~~

~~"(II) accessible to State, county, and other government staff involved in the provision of child care;~~

~~"(C) the State requires each provider listed in the State Child Care Information Network (or, at the option of the provider, another entity designated by the provider) to update the information described in clauses (v) and (vi) of subparagraph (A) on a weekly basis, and to update all other information described in subparagraph (A) not less frequently than quarterly, and ensures that publicly available information in the State Child Care Information Network indicates when the slot availability information about the provider was most recently updated; and~~

~~"(D) the State has submitted to the Secretary a plan that includes an estimate of the total capacity of licensed, regulated, and registered provider slots, and a description of the eligible expenditures the State will make in the quarter, which may be submitted with other plans required by the Secretary.~~

~~"(b) FUNDING STATE CHILD CARE INFORMATION NETWORKS.—~~

~~"(1) START-UP FUNDS.—~~

~~"(A) GRANTS.— For each fiscal year specified in subparagraph (C), the Secretary shall make grants to lead agencies to conduct activities related to the planning and implementation of State Child Care Information Networks, which may include scaling systems such as non-profit community-based referral registries, staffed Family Child Care Networks, and child care resource and referral systems:~~

~~"(B) DISTRIBUTION.— The Secretary shall distribute the grant funds to the States that are not territories in accordance with the formula referred to in section 418(a)(2) (B), and to the territories according to relative need:~~

~~"(C) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$200,000,000 for each of fiscal years 2022 and 2023 for grants under this paragraph:~~

~~"(2) MATCHING GRANTS.—~~

~~"(A) IN GENERAL.— The Secretary shall pay to each State that meets the requirements of subsection (a)(4) with respect to a calendar quarter in any of fiscal years 2022 through 2026 an amount equal to 75 percent of the eligible expenditures of the State in the quarter, subject to subsection (d)(3):~~

~~"(B) ELIGIBLE EXPENDITURES.— In this section, the term 'eligible expenditures' means all of the following, but only to the extent supplementing, and not supplanting, funds made available under other law:~~

~~"(i) STATE CHILD CARE INFORMATION NETWORK.— Expenditures to carry out subsection (a)(4):~~

~~"(ii) EASE OF APPLICATION FOR SUBSIDIZED CHILD CARE CERTIFICATE.— Expenditures to establish an option, as indicated by the State in a plan describing planned eligible expenditures (which may be submitted with other plans required by the Secretary)—~~

~~"(I) for a family to file an application for a subsidized child care certificate with a child care provider, for the provider to submit the application to the State for processing, or for the lead agency, a local child care resource and referral agency, or other entity under grant or contract to respond to the family;~~

~~"(II) to establish a statewide common application for child care, which—~~

~~"(aa) allows an application with respect to a child to be submitted simultaneously to multiple child care providers;~~

~~"(bb) allows the application to be for a particular site and schedule;~~

~~"(cc) is considered an application directly to each such provider involved for purposes of any decision of the provider regarding a wait list or an open slot based on the application date;~~

~~"(dd) safeguards confidential information; and~~

~~"(ee) allows for such a provider to seek and collect information not on the common ⁽¹⁾ application so that the provider may determine the~~

~~priority to be given to the applicant on any waiting list or for other specialized admission criteria such as disability services; or~~

~~"(III) to enable child care providers to respond to families through other application methods.~~

~~"(iii) EXPENDITURES FOR TECHNOLOGY NEEDED TO PARTICIPATE IN THE STATE CHILD CARE INFORMATION NETWORK.— Expenditures for child care providers, lead agencies, and contractors to support system-building and system-implementation activities associated with the State Child Care Information Network, including data interoperability and the installation and maintenance of equipment and software needed to develop, implement, maintain, and provide electronic access to the State Child Care Information Network.~~

~~"(iv) PARTICIPATION INCENTIVES.— Expenditures to provide financial incentives and support to child care providers for whom participating in the State Child Care Information Network would be costly or time consuming. In providing the incentives, a lead agency—~~

~~"(i) shall take into account the differential burden on varying types of providers to ensure that the incentives are sufficient to encourage all types of providers, including family-based providers, to participate in the State Child Care Information Network;~~

~~"(ii) may coordinate with staffed Family Child Care Networks, child care resource and referral organizations, labor unions, labor-management partnerships, or other community-based organizations, to ensure that home-based providers are able to participate in the State Child Care Information Network; and~~

~~"(iii) may reimburse coordinating partners and other entities for expenses associated with helping providers participate in the Child Care Information Network and provide information required under subsection (a) (4)(A).~~

~~"(C) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 2022 through 2026 such sums as are necessary for grants under this paragraph.~~

~~"(c) HHS PARTICIPATING CHILD CARE PROVIDER CERTIFICATION.—~~

~~"(1) IN GENERAL.— The Secretary shall—~~

~~"(A) maintain current information on child care providers who are qualified to receive the HHS Participating Child Care Provider Certification for a calendar quarter, and historical information on child care providers who were so qualified for a prior calendar quarter, including a quarter in a prior year, (in this section referred to as the 'HHS Participating Child Care Provider Certification') based on the information submitted by lead agencies;~~

~~"(B) update the list of providers who are so qualified, 1 month before the end of each quarter, and electronically share with the Internal Revenue Service current and historical information on the providers who are so qualified; and~~

~~“(C) at the end of each calendar year and on request of any provider listed in the HHS Participating Child Care Provider Certification who has qualified for the certification for an entire calendar quarter, provide the provider and the lead agency of the jurisdiction in which the provider is located written documentation of the quarters with respect to which the provider was so qualified.~~

~~“(2) QUALIFICATIONS.— A child care provider is qualified to receive the HHS Participating Child Care Provider Certification for a calendar quarter if the provider—~~

~~“(A)~~

~~“(i) is licensed with a State as a provider of child care services, or is in a license-exempt category of providers that meets all health and safety standards and has zero unresolved violations;~~

~~“(ii) is providing child care services that may be funded under section 418;~~

~~“(iii) has submitted to the State Child Care Information Network, on a weekly basis, the information on all available child care slots with the provider required under subsection (a)(4)(A)(v), and the waiting list information required under subsection (a)(4)(A)(vi);~~

~~“(iv) makes child care slots available to the general public, when available, subject to any clearly explained priority system; and~~

~~“(v) is in compliance with other requirements set by the State regarding applications for or inquiries about available child care slots; or~~

~~“(B) was so qualified for the entire 3-month period preceding the most recent update made under paragraph (1)(B).~~

~~“(d) ADMINISTRATIVE PROVISIONS.—~~

~~“(1) ACCURACY CHECKS.— The Secretary shall periodically conduct accuracy checks of randomly sampled child care providers participating in any State Child Care Information Network to determine whether the providers are updating their slot availability on a weekly basis, and if not, estimate the statewide rate at which the providers are doing so.~~

~~“(2) PRIVACY; SECURITY.— The Secretary shall issue guidance regarding data interoperability (in accordance with the data exchange standards for interoperability) and the privacy and security of personally identifiable information in any State Child Care Information Network.~~

~~“(3) PENALTY FOR EXCESSIVE ERRORS IN STATE CHILD CARE INFORMATION NETWORK.— The percentage specified in subsection (b)(2)(A) with respect to a State shall be 70 percent if—~~

~~“(A) a check conducted under paragraph (1) of this subsection reveals that the number of child care providers erroneously included or erroneously not included in the State Child Care Information Network is at least 10 percent of the number of providers included in the network; and~~

~~“(B) the State has not ⁽¹⁾submitted to the Secretary a report demonstrating that action has been taken to reduce that error rate to less than 10 percent.~~

~~"(4) ELIGIBLE EXPENDITURES.—The Secretary shall issue guidance to States which specifies the expenditures that will be considered eligible expenditures for purposes of this section.~~

~~"(5) PUBLICATION OF AMOUNT OF ELIGIBLE EXPENDITURES OF EACH STATE.—Before issuing grant awards for fiscal year 2023 or a succeeding fiscal year, the Secretary, in consultation with the States, shall annually publish the amount of eligible expenditures of each State in the preceding fiscal year.~~

~~"(e) APPROPRIATION.—Out of any funds in the Treasury not otherwise appropriated, there is appropriated \$50,000,000 for each of fiscal years 2022 through 2026 for administrative expenses in carrying out subsections (c) and (d)."~~

*** ~~Sec. 132002. Infrastructure grants to improve child care safety~~**

~~Part A of title IV of the Social Security Act (42 U.S.C. 601–649) is further amended by inserting after section 418A the following:~~

~~"Sec. 418B. Infrastructure grants to improve child care safety~~

~~"(a) CHILD CARE FACILITIES GRANTS.—~~

~~"(1) GRANTS TO STATES.—~~

~~"(A) IN GENERAL.—The Secretary shall award grants to States for the purpose of helping child care providers acquire, construct, renovate, or improve child care facilities, including adapting, reconfiguring, or expanding facilities.~~

~~"(B) DURATION OF GRANTS.—The Secretary shall award grants under this paragraph within 12 months after the date of the enactment of this section, for a period of not more than 5 years.~~

~~"(C) PLAN APPROVAL REQUIRED BEFORE USING GRANT.—A State to which a grant is made under this paragraph shall not obligate or expend the grant funds unless the State has submitted to the Secretary, and the Secretary has approved, a plan that—~~

~~"(i) includes an analysis or assessment, in such form and manner as the Secretary may require, of the need of the State for child care infrastructure;~~

~~"(ii) is submitted at such time, in such manner, and containing such other information as the Secretary may require, which information shall—~~

~~"(i) be disaggregated as the Secretary may require; and~~

~~"(ii) include a plan to use a portion of the grant funds to report to the Secretary on the effects of using the grant funds to improve child care facilities, including center-based and home-based child care facilities; and~~

~~"(iii) complies with paragraph (3), if applicable.~~

~~"(D) REQUIREMENT.—In allocating grants awards under this paragraph, the Secretary shall require approved plans to include elements that—~~

~~"(i) provide for improving center-based and home-based child care programs to meet or surpass State health and safety standards, or include a~~

~~project designed so that a facility is expected to meet or surpass State health and safety standards on completion of the project;~~

~~"(ii) aim to meet specific needs across urban, suburban, or rural areas as determined by the State;~~

~~"(iii) show evidence of collaboration with—~~

~~"(I) local government officials;~~

~~"(II) other State agencies;~~

~~"(III) nongovernmental organizations, such as—~~

~~"(aa) certified community development financial institutions as defined in section 103 of the Community Development Banking and Financial Institutions Act of 1994 (12 U.S.C. 4702) that have been certified by the Community Development Financial Institutions Fund (12 U.S.C. 4703); and~~

~~"(bb) organizations that have demonstrated experience in—~~

~~"(AA) providing technical or financial assistance for the acquisition, construction, renovation, or improvement of child care facilities;~~

~~"(BB) providing technical, financial, or managerial assistance to child care providers; and~~

~~"(CC) securing private sources of capital financing for child care facilities or other community development projects eligible for assistance from a child care assistance program; and~~

~~"(IV) local community organizations, such as—~~

~~"(aa) child care providers;~~

~~"(bb) community care agencies;~~

~~"(cc) resource and referral agencies; and~~

~~"(dd) labor unions and other employers of infrastructure trades that pay the prevailing wage; and~~

~~"(iv) provide for improving the facilities of child care providers who qualify for the HHS Participating Child Care Provider Certification for at least 1 fiscal quarter before the date of application for the grant.~~

~~"(E) MATCHING REQUIREMENT.—~~

~~"(i) IN GENERAL.— As a condition of the receipt of a grant under this paragraph, a State shall agree to make available, directly or through donations from public or private entities, contributions with respect to the costs to be covered by the grant, which may be provided in cash or in kind, in an amount equal to 10 percent of the funds provided through the grant.~~

~~"(ii) DETERMINATION OF AMOUNT CONTRIBUTED.— Such a matching contribution may include philanthropic or private-sector funds.~~

~~"(F) AMOUNT LIMIT.—The annual amount of a grant under this paragraph may not exceed \$250,000,000.~~

~~"(G) PROHIBITION.—The Secretary may not, as a condition of making a grant under this paragraph or section 418D, retain an interest in any property, including any project involving a privately-owned family child care home or tribal land.~~

~~"(H) REPORT.—Not later than 6 months after the last day of the grant period, a State to which a grant is made under this paragraph shall submit to the Secretary the report referred to in subparagraph (C)(ii)(II)—~~

~~"(i) to determine the effects of the grant in constructing, renovating, or improving child care facilities, including any changes in response to public health guidelines or efforts associated with natural disaster emergency preparedness and response and any effects on access to child care; and~~

~~"(ii) to provide such other information as the Secretary may require.~~

~~"(I) RETURN OF GRANT IF PLAN NOT APPROVED WITHIN 2 YEARS.—A State to which a grant is made under this paragraph shall remit the grant to the Secretary if the Secretary has not provided the approval required by subparagraph (C) within 2 years after the date the grant is made.~~

~~"(2) GRANTS TO INTERMEDIARY ORGANIZATIONS.—~~

~~"(A) IN GENERAL.—The Secretary may award grants to intermediary organizations, such as certified community development financial institutions or other organizations with demonstrated experience in child care facilities financing, for the purpose of providing technical assistance, capacity building, and financial products to develop or finance child care facilities.~~

~~"(B) APPLICATION.—A grant under this paragraph may be made only to an intermediary organization that submits to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require, that complies with paragraph (3) if applicable.~~

~~"(C) CONSULTATION.—In selecting intermediary organizations for grants under this paragraph, the Secretary shall conduct consultations with organizations that—~~

~~"(i) demonstrate experience in child care facility financing or related community facility financing;~~

~~"(ii) demonstrate the capacity to assist States and local governments in developing child care facilities and programs;~~

~~"(iii) demonstrate the ability to leverage grant funding to support financing tools to build the capacity of child care providers, such as through credit enhancements;~~

~~"(iv) propose to focus on child care facilities that operate under nontraditional hours;~~

~~"(v) propose to meet a diversity of needs across urban, suburban, and rural areas at varying types of center-based, home-based, and other child care~~

~~settings, including early care programs located in buildings in which the care center is the sole occupant or in mixed-use properties; and~~

~~"(vi) propose to focus on child care facilities primarily serving low-income populations and children who have not attained 13 years of age.~~

~~"(D) AMOUNT LIMIT.—The amount of a grant under this paragraph may not exceed \$15,000,000.~~

~~"(E) ANNUAL REPORT REQUIRED.—As a condition of receiving funds under this paragraph, the recipient shall submit annual reports to the lead agency of the jurisdiction in which the recipient is located documenting how the recipient has expended the funds and updating the planned future expenditures described in the application submitted by the recipient for the funds.~~

~~"(3) LABOR STANDARDS.—In the case of an application for a grant under this subsection for a project to construct, renovate, or improve a child care facility, including a project to adapt, reconfigure, or expand such a facility, the application shall include a written assurance that all laborers and mechanics employed by contractors or subcontractors in the performance of construction, alteration, or repair, as part of the project, shall be paid wages at rates not less than those prevailing on similar work in the locality as determined by the Secretary of Labor in accordance with subchapter IV of chapter of part A of subtitle II of title 40, United States Code (commonly referred to as the 'Davis-Bacon Act'), and with respect to the labor standards specified in such subchapter, the Secretary of Labor shall have the authority and functions set forth in Reorganization Plan Numbered 14 of 1950 (15 Fed. Reg. 3176; 5 U.S.C. App.).~~

~~"(4) USE OF FUNDS.—~~

~~"(A) INFRASTRUCTURE IMPROVEMENT.—~~

~~"(i) IN GENERAL.—A recipient of funds under this subsection may use the funds only to acquire, construct, renovate, or otherwise physically improve the infrastructure of a building primarily used for the provision of child care services by a child care provider, subject to clause (ii):~~

~~"(ii) PROHIBITION.—A recipient of funds under this subsection may not use the funds for modernization, renovation, or repair of facilities—~~

~~"(I) that are primarily used for sectarian instruction or religious worship;
or~~

~~"(II) in which a substantial portion of the functions of the facilities are subsumed in a religious mission.~~

~~"(B) RULES APPLICABLE TO LEAD AGENCIES.—A lead agency that is a recipient of funds under this subsection may use not more than 5 percent of the funds for administrative purposes which may be in addition to evaluation and reporting activities, and shall use the balance of the funds to enter into grants or contracts, on a competitive basis, with entities to carry out projects to acquire, construct, renovate, or complete other physical improvements to buildings in which child care services are provided or will be provided on completion of the project.~~

~~"(b) APPROPRIATION.— Out of any funds in the Treasury not otherwise appropriated, there is appropriated \$15,000,000,000 for fiscal year 2022 to carry out this section, which shall remain available through fiscal year 2026.~~

~~"(c) RESERVATIONS OF FUNDS.—~~

~~"(1) TERRITORIES.— The Secretary shall reserve \$100,000,000 of the amount made available to carry out this section, for grants to territories.~~

~~"(2) ADMINISTRATION.— The Secretary may reserve not more than \$200,000,000 of the amount made available to carry out this section, for administrative costs.~~

~~"(3) ASSESSMENTS AND DEVELOPMENT PLANS.— The Secretary shall reserve for each lead agency not more than \$100,000 to conduct assessments and develop plans for obligating and expending funds provided under this section, which may be expended by a lead agency immediately on receipt.~~

~~"(4) DATA EXCHANGE STANDARDS FOR INTEROPERABILITY.— The Secretary may reserve not more than \$200,000 of the amount made available to carry out this section to implement data exchange standards for interoperability.~~

~~"(d) LIMITATION ON AVAILABILITY OF FUNDS FOR GRANTS FOR INTERMEDIARY ORGANIZATIONS.— Not more than \$2,250,000,000 of the total amount made available to carry out this section may be used to carry out subsection (a)(2)."~~

*** Sec. 432003. Technical assistance**

Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is further amended by inserting after section 418B the following:

"Sec. 418C. Technical assistance

~~"(a) IN GENERAL.—~~

~~"(1) CHILD CARE INFORMATION NETWORK.— The Secretary shall provide technical assistance to lead agencies to support the development and implementation of, and ongoing full participation in, State Child Care Information Networks provided for in section 418A(a)(4).~~

~~"(2) CHILD CARE INFRASTRUCTURE.— The Secretary shall provide technical assistance—~~

~~"(A) to child care small business owners, entrepreneurs, nonprofit organizations, and child care infrastructure grant recipients, for the purpose of starting new licensed child care businesses, or re-opening a closed child care facility, in areas in which there is a child care shortage or that are at risk of having such a shortage;~~

~~"(B) to State and local governments to incentivize public-private partnerships to identify excess buildings and land and conduct feasibility studies, for new or expanded child care options that could be available to child care entrepreneurs and infrastructure grantees, or used for publicly-run child care facilities; and~~

~~"(C) to support child care business technical assistance, which may include strategies to support management training and shared services initiatives including provider networks such as child care center alliances and family child care home~~

~~provider networks, as well as fundamental business support needs such as budgeting and fiscal management skills, business planning, understanding the cost of quality, and core best business practices such as recordkeeping and payment reconciliation.~~

~~"(3) SUPPLEMENTING NATIONAL TECHNICAL ASSISTANCE EFFORTS.— The Secretary may provide technical assistance to States (and submit to the Congress reports on technical assistance activities) to increase child care availability and affordability, including by—~~

~~"(A) providing technical assistance on best practices for conducting market rate surveys and establishing State reimbursement rates and price-per-child rates for child care for children who have not attained 13 years of age;~~

~~"(B) increasing child care availability in tribal communities for families with children who have not attained 13 years of age;~~

~~"(C) improving the effectiveness and affordability of child care assistance programs in meeting the needs of low-income parents; or~~

~~"(D) collecting, managing, analyzing, and reporting child care administrative data, and use the data to support documentation of changes in child care availability and affordability.~~

~~"(b) ADMINISTRATIVE PROVISION.— The Secretary may carry out this section through means including the use of grants or cooperative agreements.~~

~~"(c) APPROPRIATION.— Out of any funds in the Treasury not otherwise appropriated, there is appropriated \$17,500,000 for each of fiscal years 2022 through 2026 to carry out this section."~~

*** Sec. 132004. Tribal child care access and growth**

~~Part A of title IV of the Social Security Act (42 U.S.C. 601-619) is further amended by inserting after section 418C the following:~~

~~"Sec. 418D. Tribal child care access and growth~~

~~"(a) HHS CONSULTATIONS WITH INDIAN TRIBES.— Of the amount appropriated under subsection (c) for each fiscal year, the Secretary shall use not more than \$1,000,000 to—~~

~~"(1) conduct such consultations with Indian tribes and tribal organizations as are necessary to determine how to better conduct consumer outreach and education and provide timely availability for child care slots, improve child care infrastructure, and otherwise inform best practices and guidelines for carrying out the activities described in subsection (b); and~~

~~"(2) provide technical assistance to the lead agencies of Indian tribes and tribal organizations with respect to carrying out the activities.~~

~~"(b) ACTIVITIES DESCRIBED.— The activities described in this subsection are the following:~~

~~"(1) Planning, start-up, implementation, and maintenance costs associated with establishing and funding a Child Care Information Network designed to help parents~~

~~determine which child care providers can meet their child care needs and to give parents ease of access in enrolling their children in child care.~~

~~"(2) Coordinating with the Secretary regarding the HHS Participating Child Care Provider Certification provided for in section 418A(c).~~

~~"(3) Conducting infrastructure projects to improve the safety of child care facilities.~~

~~"(c) GRANTS.—~~

~~"(1) IN GENERAL.— Of the amount appropriated under subsection (c) for each fiscal year, the Secretary shall use not less than \$199,000,000 to make grants to the lead agencies of Indian tribes and tribal organizations for activities described in subsection (b), which are to be carried out in accordance with such rules as the Secretary may prescribe, taking into account the results of the consultations conducted under subsection (a)(1).~~

~~"(2) ALLOCATION.— The Secretary may make grants under this subsection according to relative need.~~

~~"(d) NONSUPPLANTATION.— An entity to which an amount is provided under this section shall use the amount to supplement, but not supplant, other funds provided for any purpose or activity for which the amount is used.~~

~~"(e) APPROPRIATION.— Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary \$200,000,000 for each of fiscal years 2022 through 2026 to carry out this section."~~

*** Sec. 132005. Raising the floor for child care provider wages**

~~(a) PLANNING FOR CHILD CARE WAGE GRANTS FOR SMALL BUSINESSES.—~~

~~(1) IN GENERAL.— For the purpose of maintaining an effective and diverse child care workforce, effective upon enactment, through the end of fiscal year 2022, the Secretary of Health and Human Services shall, regarding the development and implementation of the Child Care Wage Grant program provided for in section 418E of the Social Security Act (as added by subsection (b) of this section)—~~

~~(A) issue guidance or technical assistance to lead agencies (as defined in such section) with respect to—~~

~~(i) consultation with field engagement organizations (as defined in such section);~~

~~(ii) wage supplement calculations, with the option of providing a bonus that may not be more than the equivalent of an annual wage;~~

~~(iii) application requirements;~~

~~(iv) reporting requirements;~~

~~(v) anti-discrimination protection measures; and~~

~~(vi) other related activities;~~

~~(B) engage in hiring, training, developing work plans, developing outreach materials, and other administrative overhead activities; and~~

~~(C) consult with relevant entities such as tribal leaders, governors, county and local government, and community stakeholders.~~

~~(2) FUNDING.— Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary of Health and Human Services \$10,000,000, to remain available through September 30, 2022, to carry out this paragraph:~~

~~(b) IMPLEMENTATION.—~~

~~Part A of title IV of the Social Security Act (42 U.S.C. 601–619) is further amended by inserting after section 418D the following:~~

~~"Sec. 418E. Child care wage grants for small businesses~~

~~"(a) GRANTS TO LEAD AGENCIES.—~~

~~"(1) GRANTS.—~~

~~"(A) IN GENERAL.— The Secretary shall make grants to reimburse State, tribal, and territorial lead agencies for the amount of child care wage grants made to qualifying child care providers under lead agency child care wage grant programs, and for documented costs of administering the programs that are directly related to determining provider eligibility, making payments, data collection, and verifying provider compliance with program rules.~~

~~"(B) LIMITATION ON REIMBURSEMENT FOR DOCUMENTED ADMINISTRATIVE COSTS.— The amount of the reimbursement for the documented administrative costs shall not exceed 5 percent of the total amount of the child care wage grants.~~

~~"(2) CONSULTATION REQUIRED AS A CONDITION OF ELIGIBILITY.— A lead agency shall not be eligible for a grant under this section with respect to a child care wage grant program unless the lead agency has consulted with field engagement organizations in developing and implementing the program, including application process, eligibility determinations, community outreach, and such other aspects of the program as the Secretary deems appropriate, and if, after the consultation, the lead agency intends to operate a child care wage grant program for small businesses, the lead agency shall submit to the Secretary a certification that the lead agency has conducted such a consultation and intends to submit a claim for reimbursement with respect to program expenditures at the end of the fiscal year.~~

~~"(b) STATE CHILD CARE WAGE GRANT PROGRAM.—~~

~~"(1) IN GENERAL.— A lead agency child care wage grant program is a program operated by a lead agency under which a child care wage grant is made to qualified child care providers for the 1-year period covered by the grant, in an amount equal to the aggregate of the eligible child care wage supplements provided by the qualified child care provider during the year, which year shall not begin before October 1, 2022.~~

~~"(2) REPORTING REQUIREMENT.—~~

~~"(A) IN GENERAL.— A recipient of a child care wage grant from a lead agency shall submit to the lead agency every fiscal quarter a report that includes documentation of how the grant has been expended including the number of full or part-time workers providing child care and whether each such worker worked for the~~

~~full year, a description of the wage levels and demographics of the child care employees of the qualified child care provider, and such other information as the Secretary may require, and may allow field engagement organizations to support grant recipients in meeting quarterly reporting requirements.~~

~~"(B) AUTHORITY TO EXTEND DEADLINE.—A lead agency may approve a request from such a recipient to extend the reporting deadline for 90 days, but shall accompany such an approval with a notice that failure to submit all information required in the report will result in future ineligibility for such a grant.~~

~~"(c) REIMBURSEMENT; ADVANCE ESTIMATED PAYMENT.—A lead agency may submit to the Secretary a request for reimbursement or estimated advance payment of the costs of operating the lead agency child care wage grant program for the 1-year period covered by the request, which shall include documentation of the grant awards made to qualified child care providers under the program, an assurance that not more than 5 percent of the costs in the reimbursement request are for administrative costs, an assurance that the State will repay any advances based on payments to child care providers that were in excess of costs allowable under this section (including payments for workers who did not work for the full year) or based on State administrative costs in excess of 5 percent, and the following:~~

~~"(1) Qualified child care provider application data, including the number of qualified child care providers and the proportion of applications that were approved under the program, documentation of rejected applications, including the reason for disqualification, and demographic data of applicants.~~

~~"(2) Qualified child care provider wage subsidy data, including wage levels, the size and type of the qualified child care provider, the number of children served by the qualified child care provider, verification that the child care wage grant provided to the qualified child care provider was not used to supplant Federal funds, verification that the qualified child care provider performs child care services as the primary function of the qualified child care provider, verification that qualifying child care provider applications are approved for 1 year, and documentation of the number of full-time and part-time child care employees (which may include sole proprietors) including the portion of the year for which each employee was employed with that provider to provide child care.~~

~~"(3) Certification that each qualified child care provider is not eligible to receive a child care payroll tax credit under section 3435 of the Internal Revenue Code of 1986 with respect to wages paid to any child care employee of the qualified child care provider.~~

~~"(4) Qualified child care provider demographic data, including racial, ethnic, and gender data of the qualified child care provider and child care employees.~~

~~"(5) Documentation of qualified child care provider wages, and documentation of child care wages that, in the absence of a grant made under this section, would have been paid at not less than the applicable minimum rate.~~

~~"(6) Documentation that each qualified child care provider is licensed by, registered with, or regulated by the State.~~

~~"(7) Documentation that each qualified child care provider was so qualified throughout the year with respect to which reimbursement is sought.~~

~~"(8) Documentation that each employee for which a grant is sought was employed for the full year, or if not, for what portion of the year they were employed:~~

~~"(9) Such other relevant items as the Secretary may require:~~

~~"(d) PENALTIES:—~~

~~"(1) MISUSE OF CHILD CARE WAGE GRANT.— If the Secretary finds that a qualified child care provider has used funds provided under this section with respect to a year other than to supplement the applicable minimum rate of child care wages for an employee engaged in child care work for the reported period, the qualified child care provider shall—~~

~~"(A) repay to the lead agency all funds so provided to the child care provider for the year; and~~

~~"(B) be ineligible for the succeeding 2 years to receive funds made available under this section:~~

~~"(2) DECREASE IN NUMBER OF CHILD CARE EMPLOYEES.— If a recipient of a child care wage grant for a year reports under subsection (b)(2)(A) that the number of child care employees of the recipient has decreased during the year, then—~~

~~"(A) the lead agency shall proportionately decrease the amount of the child care wage grant (if any) payable to the recipient for the next year; or~~

~~"(B) if the recipient is not awarded a child care wage grant for the next year, the recipient shall remit to the lead agency a portion of the grant equal to the proportionate decrease in the number of child care employees of the provider:~~

~~"(e) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there is appropriated to the Secretary for each of fiscal years 2023 through 2026 such sums as may be necessary for reimbursements or estimated payments referred to in subsection (a):~~

~~"(f) DEFINITIONS.— In this section:~~

~~"(1) APPLICABLE MINIMUM RATE.— The term 'applicable minimum rate' means the rate at which basic pay is payable for a position at level 3, step 1, of the General Schedule under subchapter III of chapter 53 of title 5, United States Code, including any applicable locality-based comparability payment under section 5304 of such title or similar authority, at the time such wages are paid and determined with respect to the locality in which services are provided:~~

~~"(2) CHILD CARE WAGES.— The term 'child care wages' means—~~

~~"(A) wages paid to an employee for services in providing child care; and~~

~~"(B) an owner's draw in lieu of wages, in the case of a sole proprietor who provides child care services or an owner who directly provides child care services alongside employees:~~

~~"(3) CHILD CARE EMPLOYEE.— The term 'child care employee' means an employee—~~

~~"(A) who is employed by a qualified child care provider;~~

~~"(B) who provides child care services as a primary function of employment; and~~

~~“(C) whose wages do not qualify under section 3135(a) of the Internal Revenue Code of 1986.~~

~~“(4) ELIGIBLE CHILD CARE WAGE SUPPLEMENT.—~~

~~“(A) IN GENERAL.— The term ‘eligible child care wage supplement’ means, with respect to a year, a supplement to child care wages of an employee (or owner), but only to the extent that the total amount of the child care wage supplements provided to the employee (or owner) during the year—~~

~~“(i) in the case of a full-time employee (or an owner who works on a full-time basis), is not more than \$16,000; or~~

~~“(ii) in the case of a part-time employee (or an owner who works on a part-time basis), is not more than \$10,000.~~

~~In the case of any employee who is not employed as a child care employee for the full year, the maximum dollar amounts set forth in the preceding sentence shall be proportionately reduced.~~

~~“(B) INFLATION ADJUSTMENT.— Each dollar amount in effect under subparagraph (A) with respect to a year shall be increased by a percentage equal to the percentage (if any) by which the Consumer Price Index for all urban consumers (U.S. city average) increased during the 12-month period ending with the last month for which Consumer Price Index data is available.~~

~~“(5) FIELD ENGAGEMENT ORGANIZATION.— The term ‘field engagement organization’ means any nonprofit, community-based organization, labor union, trade association, staffed family child care network, child care resource and referral organization, or local government entity with experience providing representation, technical assistance, or community supports to child care providers or individuals seeking to enter or re-enter the child care market.~~

~~“(6) QUALIFIED CHILD CARE PROVIDER.— The term ‘qualified child care provider’ means an entity who—~~

~~“(A) provides child care services as the primary function of the entity;~~

~~“(B) is registered with, or regulated or licensed by, the State as a child care provider;~~

~~“(C) at the time of application for a child care wage grant under this section, does not have an unresolved violation of a State law or regulation pertaining to health or safety in the provision of child care services;~~

~~“(D) has at least 1 employee whose wages may not be taken into account under section 3135(a) of the Internal Revenue Code of 1986 because the employee is a sole proprietor or reports self-employment income;~~

~~“(E) as of the time of the application, pays child care wages at a rate that is at least the applicable minimum rate, and certifies that the entity will not reduce the hourly wage rate of any employee during the 1-year period for which the entity has applied for a child care wage grant under this section; and~~

~~"(F) has submitted to the lead agency all data requested by the Secretary under this section;~~

~~"(G) has submitted the application to the lead agency, which has approved the application; and~~

~~"(H) has not failed to include all information required to be included in any quarterly report required by subsection (b)(2) to be submitted by the entity with respect to the year preceding the year for which the application is submitted."~~

*** Sec. 132006. Common provisions**

~~(a) DEFINITIONS.—~~

~~Section 419 of the Social Security Act (42 U.S.C. 619) is amended by adding at the end the following:~~

~~"(6) LEAD AGENCY.— The term 'lead agency' means, with respect to a jurisdiction, the lead agency responsible for administering the child care assistance program of the jurisdiction.~~

~~"(7) TERRITORY.— The term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands."~~

~~(b) REPORTS TO THE CONGRESS.—~~

~~Section 411 of such Act (42 U.S.C. 611) is amended by adding at the end the following:~~

~~"(c) REPORTS ON CERTAIN STATE CHILD CARE EXPENDITURES.— The Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate biennial reports on—~~

~~"(1) eligible expenditures (as defined in section 418A(b)(2)(B)) by the States, and on expenditures by the Secretary under section 418A during the period covered by the report;~~

~~"(2) the extent to which payments under section 418A have been made with respect to the expenditures;~~

~~"(3) to the extent that any funds made available to carry out such section have not been expended, the reasons therefor; and~~

~~"(4) expenditures under section 418C."~~

~~(e) INAPPLICABILITY OF PAYMENT LIMITATION.— Section 1108(a) of such Act (42 U.S.C. 1308(a)) is amended by inserting "418A, 418B, 418C, 418D, 418E," before "or".~~

*** Subtitle D — Trade adjustment assistance**

Sec. 133001. Short title

This subtitle may be cited as the "Trade Adjustment Assistance Modernization Act of 2021".

Sec. 133002. Application of provisions relating to trade adjustment assistance

~~(a) EFFECTIVE DATE; APPLICABILITY.— Except as otherwise provided in this subtitle, the provisions of chapters 2 through 6 of title II of the Trade Act of 1974, as in effect on June 30, 2021, and as amended by this subtitle, shall—~~

~~(1) take effect on the date of the enactment of this Act; and~~

~~(2) apply with respect to petitions for certification filed under chapter 2, 3, 4, or 6 of title II of the Trade Act of 1974 on or after such date of enactment.~~

~~(b) REFERENCE.— Except as otherwise provided in this subtitle, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a provision of chapters 2 through 6 of title II of the Trade Act of 1974, the reference shall be considered to be made to a provision of any such chapter, as in effect on June 30, 2021.~~

~~(c) REPEAL OF SNAPBACK.— Section 406 of the Trade Adjustment Assistance Reauthorization Act of 2015 (Public Law 114–27; 129 Stat. 379) is repealed.~~

~~Part 1—Trade adjustment assistance for workers~~

~~Sec. 133101. Filing petitions~~

~~Section 221(a)(1) of the Trade Act of 1974 (19 U.S.C. 2271(a)(1)) is amended—~~

~~(1) by amending subparagraph (A) to read as follows:~~

~~"(A) One or more workers in the group of workers."; and~~

~~(2) in subparagraph (C), by striking "or a State dislocated worker unit" and inserting "a State dislocated worker unit, or workforce intermediaries, including labor-management organizations that carry out re-employment and training services".~~

~~Sec. 133102. Group eligibility requirements~~

~~(a) IN GENERAL.— Section 222(a)(2) of the Trade Act of 1974 (19 U.S.C. 2272(a)(2)) is amended—~~

~~(1) in subparagraph (A)—~~

~~(A) in clause (i), by inserting ", failed to increase, or will decrease absolutely due to a scheduled or imminently anticipated, long-term decrease in or reallocation of the production capacity of the firm" after "absolutely"; and~~

~~(B) in clause (iii)—~~

~~(i) by striking "to the decline" and inserting "to any decline or absence of increase"; and~~

~~(ii) by striking "or" at the end;~~

~~(2) in subparagraph (B)(ii), by striking the period at the end and inserting "; or"; and~~

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

~~"(C)~~

~~"(i) the sales or production, or both, of such firm have decreased;~~

~~"(ii) (i)~~

~~"(i) exports of articles produced or services supplied by such workers' firm have decreased; or~~

~~"(ii) imports of articles or services necessary for the production of articles or services supplied by such firm have decreased; and~~

~~"(iii) the decrease in exports or imports described in clause (ii) contributed to such workers' separation or threat of separation and to the decline in the sales or production of such firm."~~

~~(b) REPEAL.— Section 222 of the Trade Act of 1974 (19 U.S.C. 2272) is amended—~~

~~(1) in subsections (a) and (b), by striking "importantly" each place it appears; and~~

~~(2) in subsection (c)—~~

~~(A) by striking paragraph (1); and~~

~~(B) by redesignating paragraphs (2) through (4) as paragraphs (1) through (3), respectively.~~

~~(e) ELIGIBILITY OF STAFFED WORKERS AND TELEWORKERS.—~~

~~Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsection (b), is further amended by adding at the end the following:~~

~~"(f) TREATMENT OF STAFFED WORKERS AND TELEWORKERS.—~~

~~"(1) IN GENERAL.— For purposes of subsection (a), workers in a firm include staffed workers and teleworkers.~~

~~"(2) DEFINITIONS.— In this subsection:~~

~~"(A) STAFFED WORKER.— The term 'staffed worker' means a worker who performs work under the operational control of a firm that is the subject of a petition filed under section 221, even if the worker is directly employed by another firm.~~

~~"(B) TELEWORKER.— The term 'teleworker' means a worker who works remotely but who reports to the location listed for a firm in a petition filed under section 221."~~

~~Sec. 133103. Application of determinations of eligibility to workers employed by successors-in-interest~~

~~Section 223 of the Trade Act of 1974 (19 U.S.C. 2273) is amended by adding at the end the following:~~

~~"(f) TREATMENT OF WORKERS OF SUCCESSORS-IN-INTEREST.— If the Secretary certifies a group of workers of a firm as eligible to apply for adjustment assistance under this chapter, a worker of a successor-in-interest to that firm shall be covered by the certification to the same extent as a worker of that firm."~~

~~Sec. 133104. Provision of benefit information to workers~~

~~Section 225 of the Trade Act of 1974 (19 U.S.C. 2275) is amended—~~

~~(1) in subsection (a), by inserting after the second sentence the following new sentence: "The Secretary shall ⁽¹⁾ make every effort to provide such information and assistance to workers in their native language."; and~~

~~(2) in subsection (b)—~~

~~(A) by redesignating paragraph (2) as paragraph (3);~~

~~(B) by inserting after paragraph (1) the following:~~

~~"(2) The Secretary shall provide a second notice to a worker described in paragraph (1) before the worker has exhausted all rights to any unemployment insurance to which the worker is entitled (other than additional compensation described in section 231(a)(3)(B) funded by a State and not reimbursed from Federal funds).";~~

~~(C) in paragraph (3), as redesignated by paragraph (1), by striking "newspapers of general circulation" and inserting "appropriate print or digital outlets"; and~~

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

~~"(4) For purposes of providing sustained outreach regarding the benefits available under this chapter to workers covered by a certification made under this subchapter, the Secretary may take any necessary actions, including the following:~~

~~"(A) Collecting the email addresses and telephone numbers of such workers from the employers of such workers to provide sustained outreach to such workers;~~

~~"(B) Partnering with the certified or recognized union, a community-based worker organization, or other duly authorized representatives of such workers;~~

~~"(C) Hiring peer support workers to perform sustained outreach to other workers covered by that certification;~~

~~"(D) Using advertising methods and public information campaigns, including social media, in addition to notice published in print or digital outlets under paragraph (3).";~~

Sec. 133105. Qualifying requirements for workers

~~(a) MODIFICATION OF CONDITIONS.—~~

~~(1) IN GENERAL.— Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—~~

~~(A) by striking paragraph (2);~~

~~(B) by redesignating paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and~~

~~(C) in paragraph (4) (as redesignated), by striking "paragraphs (1) and (2)" each place it appears and inserting "paragraph (1)".~~

~~(2) CONFORMING AMENDMENTS.—~~

~~(A) Section 232 of the Trade Act of 1974 (19 U.S.C. 2292) is amended by striking "section 231(a)(3)(B)" each place it appears and inserting "section 231(a)(2)(B)".~~

- (B) Section 233(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—
- (i) in paragraph (1), by striking "section 231(a)(3)(A)" and inserting "section 231(a)(2)(A)"; and
 - (ii) in paragraph (2)—
 - (I) by striking "adversely affected employment" and all that follows through "(A) within" and inserting "adversely affected employment within";
 - (II) by striking ", and" and inserting a period; and
 - (III) by striking subparagraph (B).

(b) ~~WAIVERS OF TRAINING REQUIREMENTS.~~—Section 231(c)(1) of the Trade Act of 1974 (19 U.S.C. 2291(c)(1)) is amended—

(1) by redesignating subparagraphs (A), (B), and (C) as subparagraphs (C), (D), and (E), respectively; and

(2) by inserting before subparagraph (C) (as redesignated) the following:

"(A) ~~RECALL.~~—The worker has been notified that the worker will be recalled by the firm from which the separation occurred.

"(B) ~~RETIREMENT.~~—The worker is within 2 years of meeting all requirements for entitlement to either—

"(i) old-age insurance benefits under title II of the Social Security Act (42 U.S.C. 401 et seq.) (except for application therefor); or

"(ii) a private pension sponsored by an employer or labor organization."

Sec. 133106. Modification to trade readjustment allowances

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293) is amended—

(1) in subsection (a)—

(A) in paragraph (2), by inserting after "104-week period" the following: "(or, in the case of an adversely affected worker who requires a program of prerequisite education or remedial education (as described in section 236(a)(5)(D)) in order to complete training approved for the worker under section 236, the 130-week period)";

(B) in paragraph (3), by striking "65 additional weeks in the 78-week period" and inserting "78 additional weeks in the 91-week period"; and

(C) in the flush text, by striking "78-week period" and inserting "91-week period";

(2) by striking subsection (d); and

(3) by amending subsection (f) to read as follows:

"(f) ~~PAYMENT OF TRADE READJUSTMENT ALLOWANCES TO COMPLETE TRAINING.~~—Notwithstanding any other provision of this section, in order to assist an adversely affected worker to complete training approved for the worker under section 236 that includes a program of prerequisite education or remedial education (as described in section 236(a)(5)(D)), and in accordance with regulations prescribed by the Secretary, payments may be made as trade readjustment allowances for up to 26 additional weeks

~~in the 26-week period that follows the last week of entitlement to trade readjustment allowances otherwise payable under this chapter."~~

Sec. 133107. Automatic extension of trade readjustment allowances

~~(a) IN GENERAL.—~~

~~Part I of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2291 et seq.) is amended by inserting after section 233 the following new section:~~

"Sec. 233A. Automatic extension of trade readjustment allowances

~~"(a) IN GENERAL.—Notwithstanding the limitations under section 233(a), the Secretary shall extend the period during which trade readjustment allowances are payable to an adversely affected worker who completes training approved under section 236 by the Secretary during a period of heightened unemployment with respect to the State in which such worker seeks benefits, for the shorter of—~~

~~"(1) the 26-week period beginning on the date of completion of such training; or~~

~~"(2) the period ending on the date on which the adversely affected worker secures employment.~~

~~"(b) JOB SEARCH REQUIRED.—A worker shall only be eligible for an extension under subsection (a) if the worker is complying with the job search requirements associated with unemployment insurance in the applicable State.~~

~~"(c) PERIOD OF HEIGHTENED UNEMPLOYMENT DEFINED.—In this section, the term 'period of heightened unemployment' with respect to a State means a 90-day period during which, in the determination of the Secretary, either of the following average rates equals or exceeds 5.5 percent:~~

~~"(1) The average rate of total unemployment in such State (seasonally adjusted) for the period consisting of the most recent 3-month period for which data for all States are published before the close of such period.~~

~~"(2) The average rate of total unemployment in all States (seasonally adjusted) for the period consisting of the most recent 3-month period for which data for all States are published before the close of such period."~~

~~(b) CLERICAL AMENDMENT.—~~

~~The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 233 the following:~~

~~"Sec. 233A. Automatic extension of trade readjustment allowances."~~

Sec. 133108. Employment and case management services

~~Section 235 of the Trade Act of 1974 (19 U.S.C. 2295) is amended—~~

~~(1) in paragraph (3)—~~

~~(A) by inserting after "regional areas" the following: "(including information about registered apprenticeship programs, on-the-job training opportunities, and other work-based learning opportunities)"; and~~

~~(B) by inserting after "suitable training" the following: ", information regarding the track record of a training provider's ability to successfully place participants into suitable employment";~~

~~(2) by redesignating paragraph (8) as paragraph (10); and~~

~~(3) by inserting after paragraph (7) the following:~~

~~"(8) Information related to direct job placement, including facilitating the extent to which employers within the community commit to employing workers who would benefit from the employment and case management services under this section.~~

~~"(9) Sustained outreach to groups of workers likely to be certified as eligible for adjustment assistance under this chapter and members of certified worker groups who have not yet applied for or been enrolled in benefits or services under this chapter, especially such groups and members from underserved communities."~~

Sec. 133109. Training

~~Section 236 of the Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—~~

~~(1) in subsection (a)—~~

~~(A) in paragraph (1)(D), by inserting ", with a demonstrated ability to place participants into employment" before the comma at the end;~~

~~(B) in paragraph (3), by adding at the end before the period the following: ", except that every effort shall be made to ensure that employment opportunities are available upon the completion of training"; and~~

~~(C) in paragraph (5)—~~

~~(i) in subparagraph (C), by striking ", and" and inserting a comma;~~

~~(ii) in subparagraph (H)(ii), by striking the period at the end and inserting ", and"; and~~

~~(iii) by adding at the end before the flush text the following:~~

~~"(I) pre-apprenticeship training."; and~~

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

~~"(h) REIMBURSEMENT FOR OUT-OF-POCKET TRAINING EXPENSES.—If the Secretary approves training for a worker under paragraph (1) of subsection (a), the Secretary may reimburse the worker for out-of-pocket expenses relating to training program described in paragraph (5) of that subsection that were incurred by the worker on and after the date of the worker's total or partial separation and before the date on which the certification of eligibility under section 222 that covers the worker is issued."~~

Sec. 133110. Job search, relocation, and child care allowances

~~(a) JOB SEARCH ALLOWANCES.—Section 237 of the Trade Act of 1974 (19 U.S.C. 2297) is amended—~~

~~(1) in subsection (a)(1), by striking "may use funds made available to the State to carry out sections 235 through 238" and inserting "shall use, from funds made available~~