

~~to the State to carry out sections 235 through 238A, such amounts as may be necessary";~~

~~(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking "may grant" and inserting "shall grant"; and~~

~~(3) in subsection (b)—~~

~~(A) in paragraph (1), by striking "not more than 90 percent" and inserting "100 percent";~~

~~(B) in paragraph (2), by striking "\$1,250" and inserting "\$2,000 (subject to adjustment under paragraph (4))"; and~~

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

~~"(4) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—~~

~~"(A) IN GENERAL.— The Secretary of Labor shall adjust the maximum allowance limitation under paragraph (2) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under subparagraph (A), the Secretary—~~

~~"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(ii) may ignore any such increase of less than 1 percent.~~

~~"(C) CONSUMER PRICE INDEX DEFINED.— For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

~~(b) RELOCATION ALLOWANCES.— Section 238 of the Trade Act of 1974 (19 U.S.C. 2208) 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 to the State to carry out sections 235 through 238A, such amounts as may be necessary";~~

~~(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking "may be granted" and inserting "shall be granted";~~

~~(3) in subsection (b)—~~

~~(A) in paragraph (1), by striking "not more than 90 percent" and inserting "100 percent"; and~~

~~(B) in paragraph (2), by striking "\$1,250" and inserting "\$2,000 (subject to adjustment under subsection (4))"; and~~

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

~~"(d) ADJUSTMENT OF MAXIMUM PAYMENT LIMITATION FOR INFLATION.—~~

~~"(1) IN GENERAL.—The Secretary of Labor shall adjust the maximum payment limitation under subsection (b)(2) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—~~

~~"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(B) may ignore any such increase of less than 1 percent.~~

~~"(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

~~(c) CHILD CARE ALLOWANCES.—~~

~~(1) IN GENERAL.—Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by adding at the end the following:~~

~~**"Sec. 238A. Child Care Allowances**~~

~~"(a) CHILD CARE ALLOWANCES AUTHORIZED.—~~

~~"(1) IN GENERAL.—Each State shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary to allow an adversely affected worker covered by a certification issued under subchapter A of this chapter to file an application for a child care allowance with the Secretary, and the Secretary may grant the child care allowance, subject to the terms and conditions of this section.~~

~~"(2) CONDITIONS FOR GRANTING ALLOWANCE.—A child care allowance shall be granted if the allowance will assist an adversely affected worker to attend training or seek suitable employment, by providing for the care of one or more of the minor dependents of the worker.~~

~~"(b) AMOUNT OF ALLOWANCE.—Any child care allowance granted to a worker under subsection (a) shall not exceed \$2,000 per minor dependent per year.~~

~~"(c) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—~~

~~"(1) IN GENERAL.—The Secretary of Labor shall adjust the maximum allowance limitation under subsection (b) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—~~

~~"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(B) may ignore any such increase of less than 1 percent.~~

~~"(3) CONSUMER PRICE INDEX DEFINED.— For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

~~(2) CONFORMING AMENDMENTS.—~~

~~(A) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.— Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended in the matter preceding paragraph (1) by striking "through 238" and inserting "through 238A".~~

~~(B) TRAINING.— Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—~~

~~(i) in subparagraph (A), by striking "and 238" and inserting "238, and 238A";~~

~~(ii) in subparagraph (B), by striking "and 238" each place it appears and inserting "238, and 238A";~~

~~(iii) in subparagraph (C)(i), by striking "and 238" and inserting "238, and 238A";~~

~~(iv) in subparagraph (C)(v), by striking "and 238" and inserting "238, and 238A"; and~~

~~(v) in subparagraph (E), by striking "and 238" each place it appears and inserting "238, and 238A".~~

~~(3) CLERICAL AMENDMENT.— The table of contents for the Trade Act of 1974 is amended by adding after the item relating to section 238 the following new item:~~

~~"Sec. 238A. Child care allowances."~~

#### **Sec. 133111. Agreements with States**

~~(a) COORDINATION.— Section 239(f) of the Trade Act of 1974 (19 U.S.C. 2311(f)) is amended—~~

~~(1) by striking "(f) Any agreement" and inserting the following:~~

~~"(f)~~

~~"(1) Any agreement"; and~~

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

~~"(2) In arranging for training programs to be carried out under this chapter, each cooperating State agency shall, among other factors, take into account and measure the progress of the extent to which such programs—~~

~~"(A) achieve a satisfactory rate of completion and placement in jobs that provide a living wage and that increase economic security;~~

~~"(B) assist workers in developing the skills, networks, and experiences necessary to advance along a career path;~~

~~"(C) assist workers from underserved communities to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment; and~~

~~"(D) adequately serve individuals who face the greatest barriers to employment, including people with low incomes, people of color, immigrants, persons with disabilities, and formerly incarcerated individuals.~~

~~"(3) Each cooperating State agency shall facilitate joint cooperation between training programs, representatives of workers, employers, and communities, especially in underserved rural and urban regions, to ensure a fair and engaging workplace that balances the priorities and well-being of workers with the needs of businesses.~~

~~"(4) Each cooperating State agency shall seek, including through agreements and training programs described in this subsection, to ensure the reemployment of adversely affected workers upon completion of training as described in section 236."~~

~~(b) ADMINISTRATION.— Section 239(g) of the Trade Act of 1974 (19 U.S.C. 2311(g)) is amended—~~

~~(1) by redesignating—~~

~~(A) paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and~~

~~(B) paragraph (5) as paragraph (8);~~

~~(2) by inserting before paragraph (3) (as redesignated) the following:~~

~~"(1) review each layoff of more than 5 workers in a firm to determine whether trade played a role in the layoff and whether workers in such firm are potentially eligible to receive benefits under this chapter;~~

~~"(2) perform sustained outreach to firms to facilitate and assist with filing petitions under section 221 and collecting necessary supporting information,";~~

~~(3) in paragraph (3) (as redesignated), by striking "who applies for unemployment insurance of" and inserting "identified under paragraph (1) of unemployment insurance benefits and";~~

~~(4) in paragraph (4) (as redesignated), by inserting "and assist with" after "facilitate";~~

~~(5) in paragraph (6) (as redesignated), by striking "and" at the end;~~

~~(6) by inserting after paragraph (6) (as redesignated) the following:~~

~~"(7) perform sustained outreach to workers from underserved communities and to firms that employ a majority or a substantial percentage of workers from underserved communities and develop a plan, in consultation with the Secretary, for addressing common barriers to receiving services that such workers have faced,";~~

~~(7) in paragraph (8) (as redesignated), by striking "funds provided to carry out this chapter are insufficient to make (such services available, make arrangements to make such services available through other Federal programs" and inserting "support services~~



are needed beyond what this chapter can provide, make arrangements to coordinate such services available through other Federal programs"; and

(8) by adding at the end the following:

"(9) develop a strategy to engage with local workforce development institutions, including local community colleges and other educational institutions, and

"(10) develop a comprehensive strategy to provide agency staffing to support the requirements of paragraphs (1) through (9)."

(e) STAFFING.—

Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended by striking subsection (k) and inserting the following:

"(k) STAFFING.— An agreement entered into under this section shall provide that the cooperating State or cooperating State agency shall require that any individual engaged in functions (other than functions that are not inherently governmental) to carry out the trade adjustment assistance program under this chapter shall be a State employee covered by a merit system of personnel administration."

**Sec. 133112. Reemployment trade adjustment assistance program**

Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking "\$50,000" and inserting "\$70,000 (subject to adjustment under paragraph (8))";

(2) in paragraph (5)(B)(i), by striking "\$10,000" and inserting "\$20,000 (subject to adjustment under paragraph (8))"; and

(3) by adding at the end the following:

"(8) ADJUSTMENT OF SALARY LIMITATION AND TOTAL AMOUNT OF PAYMENTS FOR INFLATION.—

"(A) IN GENERAL.— The Secretary of Labor shall adjust the salary limitation under paragraph (3)(B)(ii) and the amount under paragraph (5)(B)(i) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.

"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under subparagraph (A), the Secretary—

"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

"(ii) may ignore any such increase of less than 1 percent.

"(C) CONSUMER PRICE INDEX DEFINED.— For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."

**Sec. 133113. Extension of trade adjustment assistance to public agency workers**

(a) ~~DEFINITIONS.~~— Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "The" and inserting "Subject to section 222(d)(5), the"; and

(B) in subparagraph (A), by striking "or service sector firm" and inserting "; service sector firm, or public agency"; and

(2) by adding at the end the following:

"(20) The term 'public agency' means a department or agency of a State or local government or of the Federal Government."

(b) ~~GROUP ELIGIBILITY REQUIREMENTS.~~— Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsections (b) and (c) of section 133102, is further amended—

(1) by redesignating subsections (e), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;

(2) by inserting after subsection (b) the following:

"(c) ~~ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.~~— A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—

"(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;

"(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and

"(3) the acquisition of services described in paragraph (2) contributed to such workers' separation or threat of separation.";

(3) in subsection (d) (as redesignated), by adding at the end the following:

"(5) ~~REFERENCE TO FIRM.~~— For purposes of subsections (a) and (b), the term 'firm' does not include a public agency."; and

(4) in paragraph (2) of subsection (e) (as redesignated), by striking "subsection (a) or (b)" and inserting "subsection (a), (b), or (c)".

**Sec. 133114. Definitions**

(a) ~~EXTENSION OF ADJUSTMENT ASSISTANCE FOR WORKERS TO TERRITORIES.~~— Section 247(7) of the Trade Act of 1974 (19 U.S.C. 2319(7)) is amended—

(1) by inserting ", Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands," after "District of Columbia"; and

(2) by striking "such Commonwealth." and inserting "such territories.".

(1) ~~UNRESERVED COMMUNITY.~~— (1)

~~Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended by section 133113(a), is further amended by adding at the end the following:~~

~~"(21) The term 'underserved community' means a community with populations sharing a particular characteristic that have been systematically denied a full opportunity to participate in aspects of economic, social, or civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, other persons of color, members of other minority communities, persons with disabilities, persons who live in rural areas, and other populations otherwise adversely affected by persistent poverty or inequality."~~

**Sec. 133115. Subpoena power**

~~Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—~~

~~(1) in subsection (a), by adding at the end the following: "The authority under the preceding sentence includes the authority of States to require, by subpoena, a firm to provide information on workers employed by, or totally or partially separated from, the firm that is necessary to make a determination under this chapter or to provide outreach to workers, including the names and address of workers."; and~~

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

~~"(c) ENFORCEMENT OF SUBPOENAS BY STATES.— A State may enforce compliance with a subpoena issued under subsection (a)—~~

~~"(1) as provided for under State law; and~~

~~"(2) by petitioning an appropriate United States district court for an order requiring compliance with the subpoena."~~

**Part 2—Trade adjustment assistance for firms**

**Sec. 133201. Petitions and determinations**

~~Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—~~

~~(1) in the second sentence of subsection (a), by striking "Upon" and inserting "Not later than 15 days after";~~

~~(2) by amending subsection (c) to read as follows:~~

~~"(c)~~

~~"(1) The Secretary shall certify a firm (including any agricultural firm or service sector firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines—~~

~~"(A)~~

~~"(i) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, or~~

~~"(ii) that— (1)~~

~~"(I) sales or production, or both, of the firm have decreased absolutely or failed to increase;~~

~~"(II) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely or failed to increase;~~

~~"(III) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—~~

~~"(aa) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or~~

~~"(bb) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and~~

~~"(IV) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—~~

~~"(aa) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or~~

~~"(bb) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and~~

~~"(B)~~

~~"(i) increases of imports of articles or services like or directly competitive with articles which are produced or services which are supplied by such firm contributed to such total or partial separation, or threat thereof, or to such decline or failure to increase in sales or production, or~~

~~"(ii) decreases in exports of articles produced or services supplied by such firm, or imports of articles or services necessary for the production of articles or services supplied by such firm, contributed to such total or partial separation, or threat thereof, or to such decline in sales or production.~~

~~"(2) For purposes of paragraph (1)(B):~~

~~"(A) Any firm which engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas:~~

~~"(B) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.;"~~  
and (1)

~~(3) in subsection (d)—~~

(A) by striking "this section," and inserting "this section."; and

(B) by striking "but in any event" and all that follows and inserting the following: "If the Secretary does not make a determination with respect to a petition within 55 days after the date on which an investigation is initiated under subsection (a) with respect to the petition, the Secretary shall be deemed to have certified the firm as eligible to apply for adjustment assistance under this chapter.";

**Sec. 133202. Approval of adjustment proposals**

Section 252 of the Trade Act of 1974 (19 U.S.C. 2342) is amended—

(1) in the second sentence of subsection (a), by adding at the end before the period the following: "and an assessment of the potential employment outcomes of such proposal";

(2) in subsection (b)(1)(B), by striking "gives adequate consideration to" and inserting "is in";

(3) by redesignating subsection (c) as subsection (d); and

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

"(c) AMOUNT OF ASSISTANCE.—

"(1) IN GENERAL.— A firm may receive adjustment assistance under this chapter with respect to the firm's economic adjustment proposal in an amount not to exceed \$300,000, subject to adjustment under paragraph (2) and the matching requirement under paragraph (3):

"(2) ADJUSTMENT OF ASSISTANCE LIMITATION FOR INFLATION.—

"(A) IN GENERAL.— The Secretary of Commerce shall adjust the technical assistance limitation under paragraph (1) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020:

"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under subparagraph (A), the Secretary—

"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and

"(ii) may ignore any such increase of less than 1 percent.

"(C) CONSUMER PRICE INDEX DEFINED.— For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.

"(3) MATCHING REQUIREMENT.— A firm may receive adjustment assistance under this chapter only if the firm provides matching funds in an amount equal to the amount of adjustment assistance received under paragraph (1)."

**Sec. 133203. Technical assistance**

~~Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by adding at the end before the period the following: ", including assistance to provide skills training programs to employees of the firm".~~

**Sec. 133204. Definitions**

~~Section 259 of the Trade Act of 1974 (19 U.S.C. 2351) is amended by adding at the end the following:~~

~~"(3) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247."~~

**Sec. 133205. Plan for sustained outreach to potentially-eligible firms**

~~(a) IN GENERAL.—~~

~~Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by adding at the end the following:~~

**~~"Sec. 263. Plan for sustained outreach to potentially-eligible firms~~**

~~"(a) IN GENERAL.—The Secretary shall develop a plan to provide sustained outreach to firms that may be eligible for adjustment assistance under this chapter.~~

~~"(b) MATTERS TO BE INCLUDED.—The plan required by paragraph (1) shall include the following:~~

~~"(1) Outreach to the United States International Trade Commission and to such firms in industries with increased imports identified in the Commission's annual report regarding the operation of the trade agreements program under section 163(c).~~

~~"(2) Outreach to such firms in the service sector.~~

~~"(3) Outreach to such firms that are small businesses.~~

~~"(4) Outreach to such firms that are minority- or women-owned firms.~~

~~"(5) Outreach to such firms that employ a majority or a substantial percentage of workers from underserved communities.~~

~~"(c) UPDATES.—The Secretary shall update the plan required under this section on an annual basis.~~

~~"(d) SUBMISSION TO CONGRESS.—The Secretary shall submit the plan and each update to the plan required under this section to Congress."~~

~~(b) CLERICAL AMENDMENT.—~~

~~The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 262 the following new item:~~

~~"Sec. 263. Plan for sustained outreach to potentially-eligible firms."~~

~~Part 3—Trade Adjustment Assistance for Communities and Community  
(1) Colleges~~

**Sec. 133301. Trade adjustment assistance for communities**

(a) ~~IN GENERAL.—Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—~~

~~(1) by inserting after the chapter heading the following:~~

~~"Subchapter B—Trade Adjustment Assistance for Community Colleges and Career Training"; and~~

~~(2) by redesignating sections 271 and 272 as sections 279 and 279A, respectively; and~~

~~(3) by inserting before subchapter B (as designated by paragraph (1)) the following:~~

~~"Subchapter A—Trade Adjustment Assistance for Communities~~

**~~Sec. 271. Definitions~~**

~~In this subchapter:~~

~~"(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.~~

~~"(2) COMMUNITY.—The term 'community' means—~~

~~"(A) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;~~

~~"(B) an Economic Development District designated by the Economic Development Administration of the Department of Commerce; or~~

~~"(C) an Indian Tribe.~~

~~"(3) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that is impacted by trade under section 273(a)(2) and is determined to be eligible for assistance under this subchapter.~~

~~"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—~~

~~"(A) an eligible community;~~

~~"(B) an institution of higher education or a consortium of institutions of higher education; or~~

~~"(C) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.~~

~~"(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.~~

~~"(5) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.~~

**~~Sec. 272. Establishment of trade adjustment assistance for communities program~~**

~~The Secretary, acting through the Assistant Secretary for Economic Development, shall, not later than 180 days after the date of enactment of this subchapter, establish a~~

~~program to provide communities impacted by trade with assistance in accordance with the requirements of this subchapter.~~

**~~"Sec. 273. Eligibility; notification of eligibility~~**

**~~"(a) ELIGIBILITY.—~~**

~~"(1) IN GENERAL.— A community shall be eligible for assistance under this subchapter if the community is a community impacted by trade under paragraph (2).~~

~~"(2) COMMUNITY IMPACTED BY TRADE.— A community is impacted by trade if it meets each of the following requirements:~~

~~"(A) One or more of the following certifications are made with respect to the community:~~

~~"(i) By the Secretary of Labor, that a group of workers located in the community is eligible to apply for assistance under section 223.~~

~~"(ii) By the Secretary of Commerce, that a firm located in the community is eligible to apply for adjustment assistance under section 251.~~

~~"(iii) By the Secretary of Agriculture, that a group of agricultural commodity producers located in the community is eligible to apply for adjustment assistance under section 293.~~

~~"(B) The community—~~

~~"(i) applies for assistance not later than 180 days after the date on which the most recent certification described in subparagraph (A) is made; or~~

~~"(ii) in the case of a community with respect to which one or more such certifications were made on or after January 1, 1994, and before the date of the enactment of this subchapter, applies for assistance not later than September 30, 2024.~~

~~"(C) The community—~~

~~"(i) has a per capita income of 80 percent or less of the national average;~~

~~"(ii) has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate; or~~

~~"(iii) is significantly affected by a loss of, or threat to, the jobs associated with any certification described in subparagraph (A), or the community is undergoing transition of its economic base as a result of changing trade patterns, as determined by the Secretary.~~

~~"(b) NOTIFICATION OF ELIGIBILITY.— If one or more certifications described in subsection (a)(2)(A) are made with respect to a community, the applicable Secretary with respect to such certification shall concurrently, notify the Governor of the State in which the community is located of the <sup>(1)</sup>ability of the community to apply for assistance under this section.~~



**~~"Sec. 274. Grants to eligible communities~~**~~"(a) IN GENERAL.—The Secretary may—~~~~"(1) upon the application of an eligible community, award a grant under this section to the community to assist in developing or updating a strategic plan that meets the requirements of section 275; or~~~~"(2) upon the application of an eligible entity, award an implementation grant under this section to the entity to assist in implementing projects included in a strategic plan that meets the requirements of section 275.~~~~"(b) SPECIAL PROVISIONS.—~~~~"(1) REVOLVING LOAN FUND GRANTS.—~~~~"(A) IN GENERAL.—The Secretary shall maintain the proper operation and financial integrity of revolving loan funds established by eligible entities with assistance under this section.~~~~"(B) EFFICIENT ADMINISTRATION.—The Secretary may—~~~~"(i) at the request of an eligible entity, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria; and~~~~"(ii) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation.~~~~"(C) TREATMENT OF ACTIONS.—An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.~~~~"(2) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECT COST.—~~~~"(A) IN GENERAL.—In the case of a grant for a construction project under this section, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve the use of the excess funds (or a portion of the excess funds) to improve the project.~~~~"(B) OTHER USES OF EXCESS FUNDS.—Any amount of excess funds remaining after application of subparagraph (A) may be used by the Secretary for providing assistance under this section.~~~~"(c) COORDINATION.—If an eligible institution (as such term is defined in section 279) located in an eligible community is seeking a grant under section 279 at the same time the community is seeking an implementation grant under subsection (a)—~~~~"(1) the Secretary, upon receipt of such information from the Secretary of Labor as required under section 279(e), shall notify the community that the institution is seeking a grant under section 279; and~~

~~"(2) the community shall provide to the Secretary, in coordination with the institution, a description of how the community will integrate projects included in the strategic plan with the specific project for which the institution submits the grant proposal under section 279.~~

~~"(d) LIMITATION.— The total amount of grants awarded with respect to an eligible community under this section for fiscal years 2022 through 2026 may not exceed \$25,000,000.~~

~~"(e) PRIORITY.— The Secretary shall, in awarding grants under this section, provide higher levels of funding with respect to eligible communities that have a history of economic distress and long-term unemployment, as determined by the Secretary.~~

~~"(f) GEOGRAPHIC DIVERSITY.—~~

~~"(1) IN GENERAL.— The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible communities from geographically diverse areas.~~

~~"(2) GEOGRAPHIC REGION REQUIREMENT.— The Secretary shall, in meeting the requirement under paragraph (1), award a grant under this section for each of the fiscal years 2022 through 2026 to at least one eligible community located in each geographic region for which regional offices of the Economic Development Administration of the Department of Commerce are responsible, to the extent that the Secretary receives an application from at least one eligible community in each such geographic region.~~

**~~"Sec. 275. Strategic plans~~**

~~"(a) IN GENERAL.— A strategic plan meets the requirements of this section if—~~

~~"(1) the consultation requirements of subsection (b) are met with respect to the development of the plan;~~

~~"(2) the plan meets the requirements of subsection (c); and~~

~~"(3) the plan is approved in accordance with the requirements of subsection (d).~~

~~"(b) CONSULTATION.—~~

~~"(1) IN GENERAL.— To the extent practicable, an eligible community shall consult with the entities described in paragraph (2) in developing the strategic plan.~~

~~"(2) ENTITIES DESCRIBED.— The entities described in this paragraph are public and private entities located in or serving the eligible community, including—~~

~~"(A) local, county, or State government agencies;~~

~~"(B) firms, including small and medium-sized firms;~~

~~"(C) local workforce investment boards;~~

~~"(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community;~~

~~"(E) educational institutions, local educational agencies, and other training providers; and~~

~~"(F) local civil rights organizations and community-based organizations, including organizations representing underserved communities.~~

~~"(e) CONTENTS.—The strategic plan may contain, as applicable to the community, the following:~~

~~"(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.~~

~~"(2) An analysis of the economic development challenges and opportunities facing the community, including the strengths and weaknesses of the economy of the community.~~

~~"(3) An assessment of—~~

~~"(A) the commitment of the community to carry out the strategic plan on a long-term basis;~~

~~"(B) the participation and input of members of the community who are dislocated from employment due to the impact of trade; and~~

~~"(C) the extent to which underserved communities have been impacted by trade.~~

~~"(4) A description of how underserved communities will benefit from the strategic plan.~~

~~"(5) A description of the role of the entities described in subsection (b)(2) in developing the strategic plan.~~

~~"(6) A description of projects under the strategic plan to facilitate the community's economic adjustment to the impact of trade, including projects to—~~

~~"(A) develop public facilities, public services, jobs, and businesses (including establishing a revolving loan fund);~~

~~"(B) provide for planning and technical assistance;~~

~~"(C) provide for training;~~

~~"(D) provide for the demolition of vacant or abandoned commercial, industrial, or residential property;~~

~~"(E) redevelop brownfields;~~

~~"(F) establish or support land banks;~~

~~"(G) support energy conservation; and~~

~~"(H) support historic preservation.~~

~~"(7) A strategy for continuing the community's economic adjustment to the impact of trade after the completion of such projects.~~

~~"(8) A description of the educational and training programs and the potential employment opportunities available to workers in the community, including for workers under the age of 25, and the future employment needs of the community.~~

~~"(9) An assessment of—(I)~~

~~"(A) the cost of implementing the strategic plan; and~~

~~"(B) the timing of funding required by the community to implement the strategic plan;~~

~~"(10) A description of the methods of financing to be used to implement the strategic plan, including—~~

~~"(A) an implementation grant received under section 274 or under other authorities;~~

~~"(B) a loan, including the establishment of a revolving loan fund; or~~

~~"(C) other types of financing.~~

~~"(11) An assessment of how the community will address unemployment among agricultural commodity producers, if applicable.~~

~~"(d) APPROVAL; CEDS EQUIVALENT.—~~

~~"(1) APPROVAL.—The Secretary shall approve the strategic plan developed by an eligible community under this section if the Secretary determines that the strategic plan meets the requirements of this section.~~

~~"(2) CEDS OR EQUIVALENT.—The Secretary may deem an eligible community's Comprehensive Economic Development Strategy that substantially meets the requirements of this section to be an approved strategic plan for purposes of this subchapter.~~

~~"(e) ALLOCATION.—Of the funds appropriated to carry out this chapter for each of the fiscal years 2022 through 2026, the Secretary may make available not more than \$50,000,000 to award grants under section 274(a)(1).~~

~~**"Sec. 276. Coordination of Federal response and other additional technical assistance**~~

~~"(a) IN GENERAL.—The Secretary shall coordinate the Federal response with respect to an eligible community that is awarded an implementation grant under section 274(a)(2) to implement the community's strategic plan that meets the requirements of section 275 by—~~

~~"(1) identifying and consulting, as appropriate, with any other Federal, State, regional, or local government agency;~~

~~"(2) assisting the community to access assistance from other available Federal sources as necessary to fulfill the community's strategic plan developed under section 275; and~~

~~"(3) ensuring that such assistance is provided in a targeted, integrated manner.~~

~~"(b) TRANSFER OF FUNDS.—~~

~~"(1) TRANSFER OF FUNDS TO OTHER FEDERAL AGENCIES.—Funds appropriated to carry out this chapter may be transferred between Federal agencies, if the funds are used for the purposes for which the funds are specifically appropriated.~~

~~"(2) TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.—~~

~~"(A) IN GENERAL.—Subject to subparagraph (B), for the purposes of this chapter, the Secretary may accept transfers of funds from other Federal~~

~~agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically appropriated.~~

~~"(B) USE OF FUNDS.— The transferred funds—~~

~~"(i) shall remain available until expended; and~~

~~"(ii) may, to the extent necessary to carry out this chapter, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.~~

~~"(c) ADDITIONAL TECHNICAL ASSISTANCE.— In addition to the coordination and assistance described in subsection (a), the Secretary shall provide technical assistance for communities—~~

~~"(1) to identify significant impediments to economic development that result from the impact of trade on the community, including in the course of developing a strategic plan under section 275; and~~

~~"(2) to access assistance under other available sources, including State, local, or private sources, to implement projects that diversify and strengthen the economy in the community.~~

#### **~~"Sec. 277. General provisions~~**

~~"(a) REGULATIONS.—~~

~~"(1) IN GENERAL.— The Secretary shall, subject to paragraph (3), promulgate such regulations as may be necessary to carry out this subchapter, including with respect to—~~

~~"(A) administering the awarding of grants under section 274, including establishing guidelines for the submission and evaluation of grant applications under such section; and~~

~~"(B) establishing guidelines for the evaluation of strategic plans developed to meet the requirements of section 275.~~

~~"(2) CONSULTATIONS.— The Secretary shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 90 days prior to promulgating any final rule or regulation under this subsection.~~

~~"(3) RELATIONSHIP TO EXISTING REGULATIONS.— The Secretary, to the maximum extent practicable, shall—~~

~~"(A) rely on and apply regulations promulgated to carry out other economic development programs of the Department of Commerce in carrying out this subchapter; and~~

~~"(B) provide guidance regarding the manner and extent to which such other economic development programs relate to this subchapter.~~

~~"(b) RESOURCES.— The Secretary shall allocate such resources as may be necessary to provide sufficiently individualized assistance to each eligible community that~~

~~receives a grant under section 274(a) or seeks technical assistance under section 276(e) to develop and implement a strategic plan that meets the requirements of section 275."~~

~~(b) CLERICAL AMENDMENT.—~~

~~The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:~~

~~**"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES**~~  
~~**SUBCHAPTER A—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES**~~

~~Sec. 271. Definitions:~~

~~Sec. 272. Establishment of trade adjustment assistance for communities program:~~

~~Sec. 273. Eligibility; notification of eligibility:~~

~~Sec. 274. Grants to eligible communities:~~

~~Sec. 275. Strategic plans:~~

~~Sec. 276. Coordination of Federal response and other additional technical assistance:~~

~~Sec. 277. General provisions:~~

~~**SUBCHAPTER B—COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM**~~

~~Sec. 279. Community College and Career Training Grant Program:~~

~~Sec. 279A. Authorization of appropriations."~~

**Sec. 133302. Trade adjustment assistance for community colleges and career training**

Section 279 of the Trade Act of 1974, as redesignated by section 133301(a)(2), is amended as follows:

(1) In subsection (a)—

(A) in paragraph (1), by striking "eligible institutions" and inserting "eligible entities"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "eligible institution" and inserting "eligible entity"; and

(ii) in subparagraph (B)—

(I) by striking "\$1,000,000" and inserting "\$2,500,000";

(II) by striking "(B)" and inserting "(B)(i) in the case of an eligible institution,";

(III) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following:

~~"(ii) in the case of a consortium of eligible institutions, a grant under this section in excess of \$15,000,000."~~

(2) In subsection (b), by adding at the end the following:

~~**"(3) ELIGIBLE ENTITY.—**The term 'eligible entity' means an eligible institution or a consortium of eligible institutions."~~

~~"(4) UNDERSERVED COMMUNITY.— The term 'underserved community' has the meaning given that term in section 247."~~

~~(3) In subsection (c) —~~

~~(A) by striking "eligible institution" each place it appears and inserting "eligible entity"; and~~

~~(B) in paragraph (5)(A)(i) —~~

~~(i) in subclause (I), by striking "and" at the end; and~~

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

~~"(III) any opportunities to support industry or sector partnerships to develop or expand quality academic programs and curricula; and"~~

~~(4) In subsection (d), by striking "eligible institution" each place it appears and inserting "eligible entity".~~

~~(5) By redesignating subsection (c) as subsection (h) and inserting after subsection (d) the following:~~

~~"(e) USE OF FUNDS.—~~

~~"(1) IN GENERAL.— An eligible entity shall use a grant awarded under this section to establish and scale career training programs, including career and technical education programs, and career pathways and supports for students participating in such programs.~~

~~"(2) STUDENT SUPPORT AND EMERGENCY SERVICES.— Not less than 15 percent of the amount of a grant awarded to an eligible entity under this section shall be used to carry out student support services, which may include the following:~~

~~"(A) Supportive services, including childcare, transportation, mental health services, or substance use disorder prevention and treatment, assistance in obtaining health insurance coverage, housing, and other benefits, as appropriate.~~

~~"(B) Connecting students to State or Federal means-tested benefits programs.~~

~~"(C) The provision of direct financial assistance to help students facing financial hardships that may impact enrollment in or completion of a program supported by such funds.~~

~~"(D) Navigation, coaching, mentorship, and case management services, including providing information and outreach to the population described in subparagraph (C) to take part in such a program.~~

~~"(E) Providing access to necessary supplies, materials, technological devices, or required equipment, and other supports necessary to participate in such a program.~~

~~"(f) PLAN FOR OUTREACH TO UNDERSERVED COMMUNITIES.—~~

~~"(1) IN GENERAL.— In awarding grants under this section, the Secretary shall—~~

~~"(A) ensure that eligible institutions effectively serve individuals from underserved communities; and~~

~~"(B) develop a plan to ensure that grants provided under this subchapter effectively serve individuals from underserved communities:~~

~~"(2) UPDATES.— The Secretary shall update the plan required by paragraph (1) (B) on an annual basis:~~

~~"(3) SUBMISSION TO CONGRESS.— The Secretary shall submit the plan required by paragraph (1)(B) and each update to the plan required by paragraph (2) to Congress:~~

~~"(g) GEOGRAPHIC DIVERSITY.— The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible entities from geographically diverse areas."~~

#### Part 4—Trade adjustment assistance for farmers

##### **Sec. 133401. Definitions**

Section 291 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—

(1) by striking paragraph (3);

(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and

(3) by adding at the end the following:

~~"(7) UNDERSERVED COMMUNITY.— The term 'underserved community' has the meaning given that term in section 247. "~~

##### **Sec. 133402. Group eligibility requirements**

Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended—

(1) in subsection (c)—

(A) in paragraph (1)—

(i) by striking "85 percent of" each place it appears; and

(ii) in subparagraph (D), by adding "and" at the end;

(B) in paragraph (2), by striking "(2)" and inserting "(2)(A)(i)";

(C) by redesignating paragraph (3) as clause (ii) of paragraph (2)(A) (as designated by subparagraph (B));

(D) in clause (ii) of paragraph (2)(A) (as redesignated by subparagraph (C))—

(i) by striking "importantly"; and

(ii) by striking the period at the end and inserting "; or"; and

(E) in paragraph (2), by adding at the end the following:

~~"(B)~~

~~"(i) the volume of <sup>(1)</sup> exports of the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition~~



~~decreased compared to the average volume of such exports during the 3 marketing years preceding such marketing year; and~~

~~"(ii) the decrease in such exports contributed to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1)."; and~~

~~(2) in subsection (c)(3), by adding at the end before the period the following: "or exports".~~

**Sec. 133403. Benefit information to agricultural commodity producers**

~~Section 295(a) of the Trade Act of 1974 (19 U.S.C. 2401d(a)) is amended by adding at the end the following: "The Secretary shall develop a plan to conduct targeted sustained outreach and offer assistance to agricultural commodity producers from underserved communities".~~

**Sec. 133404. Qualifying requirements and benefits for agricultural commodity producers**

~~Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended—~~

~~(1) in subsection (a)(1)(A), by striking "90 days" and inserting "120 days";~~

~~(2) in subsection (b)—~~

~~(A) in paragraph (3)(B), by striking "\$4,000" and inserting "\$12,000"; and~~

~~(B) in paragraph (4)(C), by striking "\$8,000" and inserting "\$24,000";~~

~~(3) in subsection (c), by striking "\$12,000" and inserting "\$36,000"; and~~

~~(4) by adding at the end the following new subsection:~~

~~"(c) ADJUSTMENTS FOR INFLATION.—~~

~~"(1) IN GENERAL.—The Secretary of Agriculture shall adjust each dollar amount limitation described in this section on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), the Secretary—~~

~~"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(B) may ignore any such increase of less than 1 percent.~~

~~"(3) CONSUMER PRICE INDEX DEFINED.—For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

**Part 5—Appropriations and other matters**

**Sec. 133501. Extension of and appropriations for trade adjustment assistance program**

~~(a) EXTENSION OF TERMINATION PROVISIONS.—Section 285 of the Trade Act of 1974 (19 U.S.C. 2274 note) is amended by striking "2021" each place it appears and inserting "2028".~~

~~(b) TRAINING FUNDS.—Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)), as amended by section 133110(e)(2)(B), is further amended—~~

~~(1) by striking "shall not exceed \$450,000,000" and inserting the following:  
shall not exceed—~~

~~"(i) \$450,000,000";~~

~~(2) by striking the period at the end and inserting "; and"; and~~

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

~~"(ii) \$1,000,000,000 for each of the fiscal years 2022 through 2028.".~~

~~(c) REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE.—Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking "2021" and inserting "2028".~~

~~(d) AUTHORIZATIONS OF APPROPRIATIONS.—~~

~~(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended—~~

~~(A) in subsection (a), by striking "2021" and inserting "2028"; and~~

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

~~"(d) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Labor may reserve not more than 0.5 percent for technical assistance, pilots and demonstrations, and the evaluation of activities carried out under this chapter.".~~

~~(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended in the first sentence by adding at the end before the period the following: "and \$50,000,000 for each of the fiscal years 2022 through 2028".~~

~~(3) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—Section 298 of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—~~

~~(A) in subsection (a)—~~

~~(i) by striking "\$90,000,000" and inserting "\$50,000,000"; and~~

~~(ii) by striking "2021" and inserting "2028"; and~~

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

~~"(e) RESERVATION BY THE SECRETARY.—Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Agriculture may not reserve more than 5 percent for technical assistance, pilots and demonstrations, and the evaluation of activities carried out under this chapter.".~~

~~(e) APPROPRIATIONS.—~~

~~(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain~~

~~available until expended, to carry out the purposes of chapter 2 of title II of the Trade Act of 1974, as authorized by section 245 of the Trade Act of 1974 (19 U.S.C. 2317) (as amended by subsection (d)).~~

~~(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to carry out the provisions of chapter 3 of title II of the Trade Act of 1974, as authorized by section 255 of the Trade Act of 1974 (19 U.S.C. 2345) (as amended by subsection (d)).~~

~~(3) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—~~

~~(A) IN GENERAL.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2026, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until expended, to carry out subchapter A of chapter 4 of title II of the Trade Act of 1974, as added by section 133301 of this Act, as added by subsection (d).~~

~~(B) SALARIES AND EXPENSES.— Of the amounts appropriated pursuant subparagraph (A) for each of fiscal years 2022 through 2026, not more than \$40,000,000 shall be made available for the salaries and expenses of personnel administering subchapter A of chapter 4 of title II of the Trade Act of 1974.~~

~~(C) SUPPLEMENT AND NOT SUPPLANT.— Amounts appropriated pursuant to subparagraph (A) for each of the fiscal years 2022 through 2026 shall be used to supplement, and not supplant, other Federal, State, regional, and local government funds made available to provide economic development assistance for communities.~~

~~(4) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.—~~

~~(A) IN GENERAL.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$1,300,000,000, to remain available until expended, to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974, as designated by section 13301 of this Act, as authorized by section 279A of such subchapter B (as redesignated).~~

~~(B) RESERVATION BY THE SECRETARY.— Of the funds appropriated to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974 for each of fiscal years 2002 through 2028, the Secretary of Labor may reserve not more than 5 percent for administration of the program, including providing technical assistance, sustained outreach to eligible institutions effectively serving underserved communities, pilots and demonstrations, and a rigorous third-party evaluation of the program carried out under such subchapter.~~

~~(5) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury <sup>(1)</sup> not otherwise appropriated, \$50,000,000, to remain available until expended, to carry out the purposes of chapter 6 of title II of the Trade Act~~

of 1974, as authorized by section 298 of the Trade Act of 1974 (19 U.S.C. 2401) (as amended by subsection (d)).

**Sec. 133502. Applicability of trade adjustment assistance provisions**

~~(a) WORKERS CERTIFIED BEFORE DATE OF ENACTMENT.—~~

~~(1) IN GENERAL.—~~ Except as provided in paragraphs (2) and (3), a worker certified as eligible for adjustment assistance under section 222 of the Trade Act of 1974 before the date of the enactment of this Act shall be eligible, on and after such date of enactment, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

~~(2) COMPUTATION OF MAXIMUM BENEFITS.—~~ Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

~~(3) AUTHORITY TO MAKE ADJUSTMENTS TO BENEFITS.—~~ For the 90-day period beginning on the date of the enactment of this Act, the Secretary is authorized to make any adjustments to benefits to workers described in paragraph (1) that the Secretary determines to be necessary and appropriate in applying and administering the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment, in a manner that ensures parity of treatment between the benefits of such workers and the benefits of workers certified after such date of enactment.

~~(b) WORKERS NOT CERTIFIED PURSUANT TO CERTAIN PETITIONS FILED BEFORE DATE OF ENACTMENT.—~~

~~(1) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—~~

~~(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—~~ If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

~~(B) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—~~ If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

~~(i) reconsider that determination; and~~

~~(ii) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.~~

~~(C) PETITION DESCRIBED.— A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.~~

~~(2) ELIGIBILITY FOR BENEFITS.—~~

~~(A) IN GENERAL.— Except as provided in subparagraph (B), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in paragraph (1)(C) shall be eligible, on and after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.~~

~~(B) COMPUTATION OF MAXIMUM BENEFITS.— Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.~~

~~(c) CONFORMING AMENDMENTS.—~~

~~(1) TRADE ACT OF 2002.— Section 151 of the Trade Act of 2002 (19 U.S.C. note prec. 2271) is amended by striking subsections (a), (b), and (c).~~

~~(2) TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT OF 2009.— Section 1891 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note) is repealed.~~

~~(3) TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011.— The Trade Adjustment Assistance Extension Act of 2011 is amended—~~

~~(A) in section 201 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and~~

~~(B) in section 231(a) (19 U.S.C. 2271 note), by striking paragraphs (1)(B) and (2).~~

~~(4) TRADE ADJUSTMENT ASSISTANCE REAUTHORIZATION ACT OF 2015.— The Trade Adjustment Assistance Reauthorization Act of 2015 is amended—~~

~~(A) in section 402 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and~~

~~(B) in section 405(a)(1) (19 U.S.C. 2319(a)(1)), by striking subparagraph (B).~~

~~(d) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—~~

~~(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—~~

~~(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.— If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with~~

~~respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.~~

~~(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.— If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—~~

~~(i) reconsider that determination; and~~

~~(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.~~

~~(C) PETITION DESCRIBED.— A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.~~

~~(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN JANUARY 1, 2021, AND DATE OF ENACTMENT.—~~

~~(A) IN GENERAL.— The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.~~

~~(B) FIRM DESCRIBED.— A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—~~

~~(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2021, and ending on the day before the date of the enactment of this Act; and~~

~~(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).~~

**\* 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.~~

**\* 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) 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 <sup>(I)</sup> 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.~~

~~(c) 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 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 "(A) 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(e)(1) of the Trade Act of 1974 (19 U.S.C. 2291(e)(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 (1)(ii), by striking the period at the end and inserting ", and"; and~~

~~(iii) by adding at the end before the flush text the following:~~

~~"(1) 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 to the State to carry out sections 235 through 238A, such amounts as may be necessary";~~

~~(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking "may grant" and inserting "shall grant"; and~~

~~(3) in subsection (b)—~~

~~(A) in paragraph (1), by striking "not more than 90 percent" and inserting "100 percent";~~

(B) in paragraph (2), by striking "\$1,250" and inserting "\$2,000 (subject to adjustment under paragraph (4))"; and

(C) by adding at the end the following:

~~"(4) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—~~

~~"(A) IN GENERAL.— The Secretary of Labor shall adjust the maximum allowance limitation under paragraph (2) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under subparagraph (A), the Secretary—~~

~~"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(ii) may ignore any such increase of less than 1 percent.~~

~~"(C) CONSUMER PRICE INDEX DEFINED.— For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

~~(b) RELOCATION ALLOWANCES.— Section 238 of the Trade Act of 1974 (19 U.S.C. 2298) 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 to the State to carry out sections 235 through 238A, such amounts as may be necessary";~~

~~(2) in subsection (a)(2), in the matter preceding subparagraph (A), by striking "may be granted" and inserting "shall be granted";~~

~~(3) in subsection (b)—~~

~~(A) in paragraph (1), by striking "not more than 90 percent" and inserting "100 percent"; and~~

~~(B) in paragraph (2), by striking "\$1,250" and inserting "\$2,000 (subject to adjustment under subsection (d))"; and~~

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

~~"(d) ADJUSTMENT OF MAXIMUM PAYMENT LIMITATION FOR INFLATION.—~~

~~"(1) IN GENERAL.— The Secretary of Labor shall adjust the maximum payment limitation under subsection (b)(2) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under paragraph (1), the Secretary—~~

~~"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(B) may ignore any such increase of less than 1 percent.~~

~~"(3) CONSUMER PRICE INDEX DEFINED.— For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

~~(c) CHILD CARE ALLOWANCES.—~~

~~(1) IN GENERAL.— Part II of subchapter B of chapter 2 of title II of the Trade Act of 1974 (19 U.S.C. 2295 et seq.) is amended by adding at the end the following:~~

~~**"Sec. 238A. Child Care Allowances**~~

~~"(a) CHILD CARE ALLOWANCES AUTHORIZED.—~~

~~"(1) IN GENERAL.— Each State shall use, from funds made available to the State to carry out sections 235 through 238A, such amounts as may be necessary to allow an adversely affected worker covered by a certification issued under subchapter A of this chapter to file an application for a child care allowance with the Secretary, and the Secretary may grant the child care allowance, subject to the terms and conditions of this section:~~

~~"(2) CONDITIONS FOR GRANTING ALLOWANCE.— A child care allowance shall be granted if the allowance will assist an adversely affected worker to attend training or seek suitable employment, by providing for the care of one or more of the minor dependents of the worker.~~

~~"(b) AMOUNT OF ALLOWANCE.— Any child care allowance granted to a worker under subsection (a) shall not exceed \$2,000 per minor dependent per year.~~

~~"(c) ADJUSTMENT OF MAXIMUM ALLOWANCE LIMITATION FOR INFLATION.—~~

~~"(1) IN GENERAL.— The Secretary of Labor shall adjust the maximum allowance limitation under subsection (b) on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020:~~

~~"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under paragraph (1), the Secretary—~~

~~"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(B) may ignore any such increase of less than 1 percent.~~

~~"(3) CONSUMER PRICE INDEX DEFINED.— For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

~~(2) CONFORMING AMENDMENTS.—~~

~~(A) LIMITATIONS ON ADMINISTRATIVE EXPENSES AND EMPLOYMENT AND CASE MANAGEMENT SERVICES.—~~ Section 235A of the Trade Act of 1974 (19 U.S.C. 2295a) is amended in the matter preceding paragraph (1) by striking "through 238" and inserting "through 238A".

~~(B) TRAINING.—~~ Section 236(a)(2) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

~~(i) in subparagraph (A), by striking "and 238" and inserting "238, and 238A";~~

~~(ii) in subparagraph (B), by striking "and 238" each place it appears and inserting "238, and 238A";~~

~~(iii) in subparagraph (C)(i), by striking "and 238" and inserting "238, and 238A";~~

~~(iv) in subparagraph (C)(v), by striking "and 238" and inserting "238, and 238A"; and~~

~~(v) in subparagraph (E), by striking "and 238" each place it appears and inserting "238, and 238A".~~

~~(3) CLERICAL AMENDMENT.—~~ The table of contents for the Trade Act of 1974 is amended by adding after the item relating to section 238 the following new item:

~~"Sec. 238A. Child care allowances."~~

**\* Sec. 133411. Agreements with States**

~~(a) COORDINATION.—~~ Section 239(f) of the Trade Act of 1974 (19 U.S.C. 2341(f)) is amended—

~~(1) by striking "(f) Any agreement" and inserting the following:~~

~~"(f)~~

~~"(1) Any agreement"; and~~

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

~~"(2) In arranging for training programs to be carried out under this chapter, each cooperating State agency shall, among other factors, take into account and measure the progress of the extent to which such programs—~~

~~"(A) achieve a satisfactory rate of completion and placement in jobs that provide a living wage and that increase economic security;~~

~~"(B) assist workers in developing the skills, networks, and experiences necessary to advance along a career path;~~

~~"(C) assist workers from underserved communities to establish a work history, demonstrate success in the workplace, and develop the skills that lead to entry into and retention in unsubsidized employment; and~~

~~"(D) adequately serve individuals who face the greatest barriers to employment, including people with low incomes, people of color, immigrants, persons with disabilities, and formerly incarcerated individuals."~~

~~"(3) Each cooperating State agency shall facilitate joint cooperation between training programs, representatives of workers, employers, and communities, especially in underserved rural and urban regions, to ensure a fair and engaging workplace that balances the priorities and well-being of workers with the needs of businesses.~~

~~"(4) Each cooperating State agency shall seek, including through agreements and training programs described in this subsection, to ensure the reemployment of adversely affected workers upon completion of training as described in section 236."~~

~~(b) ADMINISTRATION.— Section 239(g) of the Trade Act of 1974 (19 U.S.C. 2311(g)) is amended—~~

~~(1) by redesignating—~~

~~(A) paragraphs (1) through (4) as paragraphs (3) through (6), respectively; and~~

~~(B) paragraph (5) as paragraph (8);~~

~~(2) by inserting before paragraph (3) (as redesignated) the following:~~

~~"(1) review each layoff of more than 5 workers in a firm to determine whether trade played a role in the layoff and whether workers in such firm are potentially eligible to receive benefits under this chapter;~~

~~"(2) perform sustained outreach to firms to facilitate and assist with filing petitions under section 221 and collecting necessary supporting information;"~~

~~(3) in paragraph (3) (as redesignated), by striking "who applies for unemployment insurance of" and inserting "identified under paragraph (1) of unemployment insurance benefits and";~~

~~(4) in paragraph (4) (as redesignated), by inserting "and assist with" after "facilitate";~~

~~(5) in paragraph (6) (as redesignated), by striking "and" at the end;~~

~~(6) by inserting after paragraph (6) (as redesignated) the following:~~

~~"(7) perform sustained outreach to workers from underserved communities and to firms that employ a majority or a substantial percentage of workers from underserved communities and develop a plan, in consultation with the Secretary, for addressing common barriers to receiving services that such workers have faced,"~~

~~(7) in paragraph (8) (as redesignated), by striking "funds provided to carry out this chapter are insufficient to make such services available, make arrangements to make such services available through other Federal programs" and inserting "support services are needed beyond what this chapter can provide, make arrangements to coordinate such services available through other Federal programs"; and~~

~~(8) by adding at the end the following:~~

~~"(9) develop a strategy to engage with local workforce development institutions, including local community colleges and other educational institutions, and~~

~~"(10) develop a comprehensive strategy to provide agency staffing to support the requirements of paragraphs (1) through (9)."~~

~~(c) STAFFING.—~~



Section 239 of the Trade Act of 1974 (19 U.S.C. 2311) is amended by striking subsection (k) and inserting the following:

~~"(k) STAFFING.— An agreement entered into under this section shall provide that the cooperating State or cooperating State agency shall require that any individual engaged in functions (other than functions that are not inherently governmental) to carry out the trade adjustment assistance program under this chapter shall be a State employee covered by a merit system of personnel administration."~~

**\* Sec. 133112. Reemployment trade adjustment assistance program**

Section 246(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in paragraph (3)(B)(ii), by striking "\$50,000" and inserting "\$70,000 (subject to adjustment under paragraph (8))";

(2) in paragraph (5)(B)(i), by striking "\$10,000" and inserting "\$20,000 (subject to adjustment under paragraph (8))"; and

(3) by adding at the end the following:

~~"(8) ADJUSTMENT OF SALARY LIMITATION AND TOTAL AMOUNT OF PAYMENTS FOR INFLATION.—~~

~~"(A) IN GENERAL.— The Secretary of Labor shall adjust the salary limitation under paragraph (3)(B)(ii) and the amount under paragraph (5)(B)(i) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under subparagraph (A), the Secretary—~~

~~"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(ii) may ignore any such increase of less than 1 percent.~~

~~"(C) CONSUMER PRICE INDEX DEFINED.— For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

**\* Sec. 133113. Extension of trade adjustment assistance to public agency workers**

(a) DEFINITIONS.— Section 247 of the Trade Act of 1974 (19 U.S.C. 2319) is amended—

(1) in paragraph (3)—

(A) in the matter preceding subparagraph (A), by striking "The" and inserting "Subject to section 222(d)(5), the"; and

(B) in subparagraph (A), by striking "or service sector firm" and inserting ", service sector firm, or public agency"; and

(2) by adding at the end the following:

~~"(20) The term 'public agency' means a department or agency of a State or local government or of the Federal Government."~~

~~(b) GROUP ELIGIBILITY REQUIREMENTS.— Section 222 of the Trade Act of 1974 (19 U.S.C. 2272), as amended by subsections (b) and (c) of section 133102, is further amended—~~

~~(1) by redesignating subsections (c), (d), (e), and (f) as subsections (d), (e), (f), and (g), respectively;~~

~~(2) by inserting after subsection (b) the following:~~

~~"(c) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.— A group of workers in a public agency shall be certified by the Secretary as eligible to apply for adjustment assistance under this chapter pursuant to a petition filed under section 221 if the Secretary determines that—~~

~~"(1) a significant number or proportion of the workers in the public agency have become totally or partially separated, or are threatened to become totally or partially separated;~~

~~"(2) the public agency has acquired from a foreign country services like or directly competitive with services which are supplied by such agency; and~~

~~"(3) the acquisition of services described in paragraph (2) contributed to such workers' separation or threat of separation.";~~

~~(3) in subsection (d) (as redesignated), by adding at the end the following:~~

~~"(5) REFERENCE TO FIRM.— For purposes of subsections (a) and (b), the term 'firm' does not include a public agency.";~~ and

~~(4) in paragraph (2) of subsection (e) (as redesignated), by striking "subsection (a) or (b)" and inserting "subsection (a), (b), or (c)";~~

**\* Sec. 133114. Definitions**

~~(a) EXTENSION OF ADJUSTMENT ASSISTANCE FOR WORKERS TO TERRITORIES.— Section 247(7) of the Trade Act of 1974 (19 U.S.C. 2319(7)) is amended—~~

~~(1) by inserting ", Guam, the Virgin Islands of the United States, American Samoa, the Commonwealth of the Northern Mariana Islands," after "District of Columbia"; and~~

~~(2) by striking "such Commonwealth." and inserting "such territories.";~~

~~(b) UNDERSERVED COMMUNITY.—~~

~~Section 247 of the Trade Act of 1974 (19 U.S.C. 2319), as amended by section 133113(a), is further amended by adding at the end the following:~~

~~"(21) The term 'underserved community' means a community with populations sharing a particular characteristic that have been systematically denied a full opportunity to participate in aspects of economic, social, or civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders, other persons of color, members of other minority communities, persons with disabilities, persons who live in rural areas, and other populations otherwise adversely affected by persistent poverty or inequality." (f)~~

**\* Sec. 133115. Subpoena power**

Section 249 of the Trade Act of 1974 (19 U.S.C. 2321) is amended—

(1) in subsection (a), by adding at the end the following: "The authority under the preceding sentence includes the authority of States to require, by subpoena, a firm to provide information on workers employed by, or totally or partially separated from, the firm that is necessary to make a determination under this chapter or to provide outreach to workers, including the names and address of workers."; and

(2) by adding at the end the following:

"(c) ENFORCEMENT OF SUBPOENAS BY STATES.— A State may enforce compliance with a subpoena issued under subsection (a)—

"(1) as provided for under State law; and

"(2) by petitioning an appropriate United States district court for an order requiring compliance with the subpoena."

**\* Sec. 133201. Petitions and determinations**

Section 251 of the Trade Act of 1974 (19 U.S.C. 2341) is amended—

(1) in the second sentence of subsection (a), by striking "Upon" and inserting "Not later than 15 days after";

(2) by amending subsection (c) to read as follows:

"(c)

"(1) The Secretary shall certify a firm (including any agricultural firm or service sector firm) as eligible to apply for adjustment assistance under this chapter if the Secretary determines—

"(A)

"(i) that a significant number or proportion of the workers in such firm have become totally or partially separated, or are threatened to become totally or partially separated, or

"(ii) that—

"(I) sales or production, or both, of the firm have decreased absolutely or failed to increase;

"(II) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the 12-month period preceding the most recent 12-month period for which data are available have decreased absolutely or failed to increase;

"(III) sales or production, or both, of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—

"(aa) the average annual sales or production for the firm during the 24-month period preceding that 12-month period, or

~~"(bb) the average annual sales or production for the firm during the 36-month period preceding that 12-month period, and~~

~~"(IV) sales or production, or both, of an article or service that accounted for not less than 25 percent of the total sales or production of the firm during the most recent 12-month period for which data are available have decreased or failed to increase compared to—~~

~~"(aa) the average annual sales or production for the article or service during the 24-month period preceding that 12-month period, or~~

~~"(bb) the average annual sales or production for the article or service during the 36-month period preceding that 12-month period, and~~

~~"(B)~~

~~"(i) increases of imports of articles or services like or directly competitive with articles which are produced or services which are supplied by such firm contributed to such total or partial separation, or threat thereof, or to such decline or failure to increase in sales or production, or~~

~~"(ii) decreases in exports of articles produced or services supplied by such firm, or imports of articles or services necessary for the production of articles or services supplied by such firm, contributed to such total or partial separation, or threat thereof, or to such decline in sales or production.~~

~~"(2) For purposes of paragraph (1)(B):~~

~~"(A) Any firm which engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing oil or natural gas:~~

~~"(B) Any firm that engages in exploration or drilling for oil or natural gas, or otherwise produces oil or natural gas, shall be considered to be producing articles directly competitive with imports of oil and with imports of natural gas.;"~~  
and

~~(3) in subsection (d)—~~

~~(A) by striking "this section," and inserting "this section.;"~~ and

~~(B) by striking "but in any event" and all that follows and inserting the following: "If the Secretary does not make a determination with respect to a petition within 55 days after the date on which an investigation is initiated under subsection (a) with respect to the petition, the Secretary shall be deemed to have certified the firm as eligible to apply for adjustment assistance under this chapter.;"~~

**\* Sec. 133202. Approval of adjustment proposals**

Section 252 of the Trade Act of 1974 (19 U.S.C. 2342) is amended—

(1) in the second sentence of subsection (a), by adding at the end before the period the following: <sup>(1)</sup> "and an assessment of the potential employment outcomes of such proposal";

(2) in subsection (b)(1)(B), by striking "gives adequate consideration to" and inserting "is in";

(3) by redesignating subsection (c) as subsection (d); and

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

~~"(c) AMOUNT OF ASSISTANCE.—~~

~~"(1) IN GENERAL.— A firm may receive adjustment assistance under this chapter with respect to the firm's economic adjustment proposal in an amount not to exceed \$300,000, subject to adjustment under paragraph (2) and the matching requirement under paragraph (3).~~

~~"(2) ADJUSTMENT OF ASSISTANCE LIMITATION FOR INFLATION.—~~

~~"(A) IN GENERAL.— The Secretary of Commerce shall adjust the technical assistance limitation under paragraph (1) on the date that is 30 days after the date of the enactment of this paragraph, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(B) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.— In making an adjustment under subparagraph (A), the Secretary—~~

~~"(i) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(ii) may ignore any such increase of less than 1 percent.~~

~~"(C) CONSUMER PRICE INDEX DEFINED.— For purposes of this paragraph, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor.~~

~~"(3) MATCHING REQUIREMENT.— A firm may receive adjustment assistance under this chapter only if the firm provides matching funds in an amount equal to the amount of adjustment assistance received under paragraph (1)."~~

**\* Sec. 133203. Technical assistance**

Section 253(a)(3) of the Trade Act of 1974 (19 U.S.C. 2343(a)(3)) is amended by adding at the end before the period the following: ", including assistance to provide skills training programs to employees of the firm".

**\* Sec. 133204. Definitions**

Section 259 of the Trade Act of 1974 (19 U.S.C. 2351) is amended by adding at the end the following:

~~"(3) UNDERSERVED COMMUNITY.— The term 'underserved community' has the meaning given that term in section 247."~~

(/)

**\* Sec. 133205. Plan for sustained outreach to potentially-eligible firms**

~~(a) IN GENERAL.—~~

Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by adding at the end the following:

**"Sec. 263. Plan for sustained outreach to potentially-eligible firms**

~~"(a) IN GENERAL.—~~ The Secretary shall develop a plan to provide sustained outreach to firms that may be eligible for adjustment assistance under this chapter.

~~"(b) MATTERS TO BE INCLUDED.—~~ The plan required by paragraph (1) shall include the following:

~~"(1) Outreach to the United States International Trade Commission and to such firms in industries with increased imports identified in the Commission's annual report regarding the operation of the trade agreements program under section 163(c).~~

~~"(2) Outreach to such firms in the service sector.~~

~~"(3) Outreach to such firms that are small businesses.~~

~~"(4) Outreach to such firms that are minority- or women-owned firms.~~

~~"(5) Outreach to such firms that employ a majority or a substantial percentage of workers from underserved communities.~~

~~"(c) UPDATES.—~~ The Secretary shall update the plan required under this section on an annual basis.

~~"(d) SUBMISSION TO CONGRESS.—~~ The Secretary shall submit the plan and each update to the plan required under this section to Congress."

~~(b) CLERICAL AMENDMENT.—~~

The table of contents for the Trade Act of 1974 is amended by inserting after the item relating to section 262 the following new item:

"Sec. 263. Plan for sustained outreach to potentially-eligible firms."

**\* Sec. 133304. Trade adjustment assistance for communities**

~~(a) IN GENERAL.—~~ Chapter 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371 et seq.) is amended—

~~(1) by inserting after the chapter heading the following:~~

~~"Subchapter B—Trade Adjustment Assistance for Community Colleges and Career Training"; and~~

~~(2) by redesignating sections 271 and 272 as sections 279 and 279A, respectively;~~  
and

~~(3) by inserting before subchapter B (as designated by paragraph (1)) the following:~~

~~"Subchapter A—Trade Adjustment Assistance for Communities~~

**"Sec. 271. Definitions**

in this subchapter:

(/)

~~"(1) AGRICULTURAL COMMODITY PRODUCER.—The term 'agricultural commodity producer' has the meaning given that term in section 291.~~

~~"(2) COMMUNITY.—The term 'community' means—~~

~~"(A) a city or other political subdivision of a State, including a special purpose unit of a State or local government engaged in economic or infrastructure development activities, or a consortium of political subdivisions;~~

~~"(B) an Economic Development District designated by the Economic Development Administration of the Department of Commerce; or~~

~~"(C) an Indian Tribe.~~

~~"(3) ELIGIBLE COMMUNITY.—The term 'eligible community' means a community that is impacted by trade under section 273(a)(2) and is determined to be eligible for assistance under this subchapter.~~

~~"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means—~~

~~"(A) an eligible community;~~

~~"(B) an institution of higher education or a consortium of institutions of higher education; or~~

~~"(C) a public or private nonprofit organization or association acting in cooperation with officials of a political subdivision of a State.~~

~~"(4) SECRETARY.—The term 'Secretary' means the Secretary of Commerce.~~

~~"(5) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.~~

~~**"Sec. 272. Establishment of trade adjustment assistance for communities program**~~

~~The Secretary, acting through the Assistant Secretary for Economic Development, shall, not later than 180 days after the date of enactment of this subchapter, establish a program to provide communities impacted by trade with assistance in accordance with the requirements of this subchapter.~~

~~**"Sec. 273. Eligibility; notification of eligibility**~~

~~"(a) ELIGIBILITY.—~~

~~"(1) IN GENERAL.—A community shall be eligible for assistance under this subchapter if the community is a community impacted by trade under paragraph (2).~~

~~"(2) COMMUNITY IMPACTED BY TRADE.—A community is impacted by trade if it meets each of the following requirements:~~

~~"(A) One or more of the following certifications are made with respect to the community:~~

~~"(i) By the Secretary of Labor, that a group of workers located in the community is eligible to apply for assistance under section 223.~~

~~"(ii) By the <sup>(1)</sup>Secretary of Commerce, that a firm located in the community is eligible to apply for adjustment assistance under section 251.~~

~~"(iii) By the Secretary of Agriculture, that a group of agricultural commodity producers located in the community is eligible to apply for adjustment assistance under section 293.~~

~~"(B) The community—~~

~~"(i) applies for assistance not later than 180 days after the date on which the most recent certification described in subparagraph (A) is made; or~~

~~"(ii) in the case of a community with respect to which one or more such certifications were made on or after January 1, 1994, and before the date of the enactment of this subchapter, applies for assistance not later than September 30, 2024.~~

~~"(C) The community—~~

~~"(i) has a per capita income of 80 percent or less of the national average;~~

~~"(ii) has an unemployment rate that is, for the most recent 24-month period for which data are available, at least 1 percent greater than the national average unemployment rate; or~~

~~"(iii) is significantly affected by a loss of, or threat to, the jobs associated with any certification described in subparagraph (A), or the community is undergoing transition of its economic base as a result of changing trade patterns, as determined by the Secretary.~~

~~"(b) NOTIFICATION OF ELIGIBILITY.— If one or more certifications described in subsection (a)(2)(A) are made with respect to a community, the applicable Secretary with respect to such certification shall concurrently, notify the Governor of the State in which the community is located of the ability of the community to apply for assistance under this section.~~

**~~"Sec. 274. Grants to eligible communities~~**

~~"(a) IN GENERAL.— The Secretary may—~~

~~"(1) upon the application of an eligible community, award a grant under this section to the community to assist in developing or updating a strategic plan that meets the requirements of section 275; or~~

~~"(2) upon the application of an eligible entity, award an implementation grant under this section to the entity to assist in implementing projects included in a strategic plan that meets the requirements of section 275.~~

~~"(b) SPECIAL PROVISIONS.—~~

~~"(1) REVOLVING LOAN FUND GRANTS.—~~

~~"(A) IN GENERAL.— The Secretary shall maintain the proper operation and financial integrity of revolving loan funds established by eligible entities with assistance under this section.~~

~~"(B) EFFICIENT ADMINISTRATION.— The Secretary may—~~



~~"(i) at the request of an eligible entity, amend and consolidate grant agreements governing revolving loan funds to provide flexibility with respect to lending areas and borrower criteria; and~~

~~"(ii) assign or transfer assets of a revolving loan fund to third party for the purpose of liquidation, and the third party may retain assets of the fund to defray costs related to liquidation.~~

~~"(C) TREATMENT OF ACTIONS.— An action taken by the Secretary under this subsection with respect to a revolving loan fund shall not constitute a new obligation if all grant funds associated with the original grant award have been disbursed to the recipient.~~

~~"(2) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER PROJECT COST.—~~

~~"(A) IN GENERAL.— In the case of a grant for a construction project under this section, if the Secretary determines, before closeout of the project, that the cost of the project, based on the designs and specifications that were the basis of the grant, has decreased because of decreases in costs, the Secretary may approve the use of the excess funds (or a portion of the excess funds) to improve the project.~~

~~"(B) OTHER USES OF EXCESS FUNDS.— Any amount of excess funds remaining after application of subparagraph (A) may be used by the Secretary for providing assistance under this section.~~

~~"(c) COORDINATION.— If an eligible institution (as such term is defined in section 279) located in an eligible community is seeking a grant under section 279 at the same time the community is seeking an implementation grant under subsection (a)—~~

~~"(1) the Secretary, upon receipt of such information from the Secretary of Labor as required under section 279(e), shall notify the community that the institution is seeking a grant under section 279; and~~

~~"(2) the community shall provide to the Secretary, in coordination with the institution, a description of how the community will integrate projects included in the strategic plan with the specific project for which the institution submits the grant proposal under section 279.~~

~~"(d) LIMITATION.— The total amount of grants awarded with respect to an eligible community under this section for fiscal years 2022 through 2026 may not exceed \$25,000,000.~~

~~"(e) PRIORITY.— The Secretary shall, in awarding grants under this section, provide higher levels of funding with respect to eligible communities that have a history of economic distress and long-term unemployment, as determined by the Secretary.~~

~~"(f) GEOGRAPHIC DIVERSITY.—~~

~~"(1) IN GENERAL.— The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible communities from geographically diverse areas(/)~~

~~"(2) GEOGRAPHIC REGION REQUIREMENT.— The Secretary shall, in meeting the requirement under paragraph (1), award a grant under this section for each of the fiscal years 2022 through 2026 to at least one eligible community located in each geographic region for which regional offices of the Economic Development Administration of the Department of Commerce are responsible, to the extent that the Secretary receives an application from at least one eligible community in each such geographic region.~~

**~~"Sec. 275. Strategic plans~~**

~~"(a) IN GENERAL.— A strategic plan meets the requirements of this section if—~~

~~"(1) the consultation requirements of subsection (b) are met with respect to the development of the plan;~~

~~"(2) the plan meets the requirements of subsection (c); and~~

~~"(3) the plan is approved in accordance with the requirements of subsection (d).~~

~~"(b) CONSULTATION.—~~

~~"(1) IN GENERAL.— To the extent practicable, an eligible community shall consult with the entities described in paragraph (2) in developing the strategic plan.~~

~~"(2) ENTITIES DESCRIBED.— The entities described in this paragraph are public and private entities located in or serving the eligible community, including—~~

~~"(A) local, county, or State government agencies;~~

~~"(B) firms, including small and medium-sized firms;~~

~~"(C) local workforce investment boards;~~

~~"(D) labor organizations, including State labor federations and labor-management initiatives, representing workers in the community;~~

~~"(E) educational institutions, local educational agencies, and other training providers; and~~

~~"(F) local civil rights organizations and community-based organizations, including organizations representing underserved communities.~~

~~"(c) CONTENTS.— The strategic plan may contain, as applicable to the community, the following:~~

~~"(1) A description and analysis of the capacity of the eligible community to achieve economic adjustment to the impact of trade.~~

~~"(2) An analysis of the economic development challenges and opportunities facing the community, including the strengths and weaknesses of the economy of the community.~~

~~"(3) An assessment of—~~

~~"(A) the commitment of the community to carry out the strategic plan on a long-term basis;~~

~~"(B) the participation<sup>(A)</sup> and input of members of the community who are dislocated from employment due to the impact of trade; and~~

~~"(C) the extent to which underserved communities have been impacted by trade.~~

~~"(4) A description of how underserved communities will benefit from the strategic plan.~~

~~"(5) A description of the role of the entities described in subsection (b)(2) in developing the strategic plan.~~

~~"(6) A description of projects under the strategic plan to facilitate the community's economic adjustment to the impact of trade, including projects to—~~

~~"(A) develop public facilities, public services, jobs, and businesses (including establishing a revolving loan fund);~~

~~"(B) provide for planning and technical assistance;~~

~~"(C) provide for training;~~

~~"(D) provide for the demolition of vacant or abandoned commercial, industrial, or residential property;~~

~~"(E) redevelop brownfields;~~

~~"(F) establish or support land banks;~~

~~"(G) support energy conservation; and~~

~~"(H) support historic preservation.~~

~~"(7) A strategy for continuing the community's economic adjustment to the impact of trade after the completion of such projects.~~

~~"(8) A description of the educational and training programs and the potential employment opportunities available to workers in the community, including for workers under the age of 25, and the future employment needs of the community.~~

~~"(9) An assessment of—~~

~~"(A) the cost of implementing the strategic plan; and~~

~~"(B) the timing of funding required by the community to implement the strategic plan.~~

~~"(10) A description of the methods of financing to be used to implement the strategic plan, including—~~

~~"(A) an implementation grant received under section 274 or under other authorities;~~

~~"(B) a loan, including the establishment of a revolving loan fund; or~~

~~"(C) other types of financing.~~

~~"(11) An assessment of how the community will address unemployment among agricultural commodity producers, if applicable.~~

~~"(d) APPROVAL; CEDS EQUIVALENT.—~~

~~"(1) APPROVAL.— The Secretary shall approve the strategic plan developed by an eligible community under this section if the Secretary determines that the strategic plan meets the requirements of this section.~~

~~"(2) CEDS OR EQUIVALENT.— The Secretary may deem an eligible community's Comprehensive Economic Development Strategy that substantially meets the requirements of this section to be an approved strategic plan for purposes of this subchapter.~~

~~"(c) ALLOCATION.— Of the funds appropriated to carry out this chapter for each of the fiscal years 2022 through 2026, the Secretary may make available not more than \$50,000,000 to award grants under section 274(a)(1).~~

~~**"Sec. 276. Coordination of Federal response and other additional technical assistance**~~

~~"(a) IN GENERAL.— The Secretary shall coordinate the Federal response with respect to an eligible community that is awarded an implementation grant under section 274(a)(2) to implement the community's strategic plan that meets the requirements of section 275 by—~~

~~"(1) identifying and consulting, as appropriate, with any other Federal, State, regional, or local government agency;~~

~~"(2) assisting the community to access assistance from other available Federal sources as necessary to fulfill the community's strategic plan developed under section 275; and~~

~~"(3) ensuring that such assistance is provided in a targeted, integrated manner.~~

~~"(b) TRANSFER OF FUNDS.—~~

~~"(1) TRANSFER OF FUNDS TO OTHER FEDERAL AGENCIES.— Funds appropriated to carry out this chapter may be transferred between Federal agencies, if the funds are used for the purposes for which the funds are specifically appropriated.~~

~~"(2) TRANSFER OF FUNDS FROM OTHER FEDERAL AGENCIES.—~~

~~"(A) IN GENERAL.— Subject to subparagraph (B), for the purposes of this chapter, the Secretary may accept transfers of funds from other Federal agencies if the funds are used for the purposes for which (and in accordance with the terms under which) the funds are specifically appropriated.~~

~~"(B) USE OF FUNDS.— The transferred funds—~~

~~"(i) shall remain available until expended; and~~

~~"(ii) may, to the extent necessary to carry out this chapter, be transferred to and merged by the Secretary with the appropriations for salaries and expenses.~~

~~"(c) ADDITIONAL TECHNICAL ASSISTANCE.— In addition to the coordination and assistance described in subsection (a), the Secretary shall provide technical assistance for communities—~~

~~"(1) to identify significant impediments to economic development that result from the impact of trade on the community, including in the course of developing a strategic plan under section 275; and~~

~~"(2) to access assistance under other available sources, including State, local, or private sources, to implement projects that diversify and strengthen the economy in the community.~~

**~~"Sec. 277. General provisions~~**

~~"(a) REGULATIONS.—~~

~~"(1) IN GENERAL.— The Secretary shall, subject to paragraph (3), promulgate such regulations as may be necessary to carry out this subchapter, including with respect to—~~

~~"(A) administering the awarding of grants under section 274, including establishing guidelines for the submission and evaluation of grant applications under such section; and~~

~~"(B) establishing guidelines for the evaluation of strategic plans developed to meet the requirements of section 275.~~

~~"(2) CONSULTATIONS.— The Secretary shall consult with the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than 90 days prior to promulgating any final rule or regulation under this subsection.~~

~~"(3) RELATIONSHIP TO EXISTING REGULATIONS.— The Secretary, to the maximum extent practicable, shall—~~

~~"(A) rely on and apply regulations promulgated to carry out other economic development programs of the Department of Commerce in carrying out this subchapter; and~~

~~"(B) provide guidance regarding the manner and extent to which such other economic development programs relate to this subchapter.~~

~~"(b) RESOURCES.— The Secretary shall allocate such resources as may be necessary to provide sufficiently individualized assistance to each eligible community that receives a grant under section 274(a) or seeks technical assistance under section 276(c) to develop and implement a strategic plan that meets the requirements of section 275."~~

~~(b) CLERICAL AMENDMENT.—~~

~~The table of contents for the Trade Act of 1974 is amended by striking the items relating to chapter 4 of title II and inserting the following:~~

**~~"CHAPTER 4—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES~~**

**~~SUBCHAPTER A—TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES~~**

~~Sec. 271. Definitions.~~

~~Sec. 272. Establishment of trade adjustment assistance for communities program.~~

~~Sec. 273. Eligibility; notification of eligibility.~~

~~Sec. 274. Grants to eligible communities.~~

~~Sec. 275. Strategic plans. (1)~~

~~Sec. 276. Coordination of Federal response and other additional technical assistance.~~

Sec. 277. General provisions:

**SUBCHAPTER B—COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM**

Sec. 279. Community College and Career Training Grant Program:

Sec. 279A. Authorization of appropriations."

\* **Sec. 133302. Trade adjustment assistance for community colleges and career training**

Section 279 of the Trade Act of 1974, as redesignated by section 133301(a)(2), is amended as follows:

(1) In subsection (a)—

(A) in paragraph (1), by striking "eligible institutions" and inserting "eligible entities"; and

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking "eligible institution" and inserting "eligible entity"; and

(ii) in subparagraph (B)—

(I) by striking "\$1,000,000" and inserting "\$2,500,000";

(II) by striking "(B)" and inserting "(B)(i) in the case of an eligible institution,";

(III) by striking the period at the end and inserting "; or"; and

(IV) by adding at the end the following:

"(ii) in the case of a consortium of eligible institutions, a grant under this section in excess of \$15,000,000.".

(2) In subsection (b), by adding at the end the following:

"(3) ELIGIBLE ENTITY.—The term 'eligible entity' means an eligible institution or a consortium of eligible institutions:

"(4) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247.".

(3) In subsection (c)—

(A) by striking "eligible institution" each place it appears and inserting "eligible entity"; and

(B) in paragraph (5)(A)(i)—

(i) in subclause (1), by striking "and" at the end; and

(ii) by adding at the end the following:

"(iii) any opportunities to support industry or sector partnerships to develop or expand quality academic programs and curricula; and"

(4) In subsection (d), by striking "eligible institution" each place it appears and inserting "eligible entity".

(5) By redesignating subsection (e) as subsection (h) and inserting after subsection (d) the following:

~~"(e) USE OF FUNDS.—~~

~~"(1) IN GENERAL.— An eligible entity shall use a grant awarded under this section to establish and scale career training programs, including career and technical education programs, and career pathways and supports for students participating in such programs.~~

~~"(2) STUDENT SUPPORT AND EMERGENCY SERVICES.— Not less than 15 percent of the amount of a grant awarded to an eligible entity under this section shall be used to carry out student support services, which may include the following:~~

~~"(A) Supportive services, including childcare, transportation, mental health services, or substance use disorder prevention and treatment, assistance in obtaining health insurance coverage, housing, and other benefits, as appropriate.~~

~~"(B) Connecting students to State or Federal means-tested benefits programs.~~

~~"(C) The provision of direct financial assistance to help students facing financial hardships that may impact enrollment in or completion of a program supported by such funds.~~

~~"(D) Navigation, coaching, mentorship, and case management services, including providing information and outreach to the population described in subparagraph (C) to take part in such a program.~~

~~"(E) Providing access to necessary supplies, materials, technological devices, or required equipment, and other supports necessary to participate in such a program.~~

~~"(f) PLAN FOR OUTREACH TO UNDERSERVED COMMUNITIES.—~~

~~"(1) IN GENERAL.— In awarding grants under this section, the Secretary shall—~~

~~"(A) ensure that eligible institutions effectively serve individuals from underserved communities; and~~

~~"(B) develop a plan to ensure that grants provided under this subchapter effectively serve individuals from underserved communities.~~

~~"(2) UPDATES.— The Secretary shall update the plan required by paragraph (1)(B) on an annual basis.~~

~~"(3) SUBMISSION TO CONGRESS.— The Secretary shall submit the plan required by paragraph (1)(B) and each update to the plan required by paragraph (2) to Congress.~~

~~"(g) GEOGRAPHIC DIVERSITY.— The Secretary shall, in awarding grants under this section, ensure that grants are awarded with respect to eligible entities from geographically diverse areas."~~

**\* Sec. 133401. Definitions**

~~Section 231 of the Trade Act of 1974 (19 U.S.C. 2401) is amended—~~

~~(1) by striking paragraph (3);~~

~~(2) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and~~

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

~~"(7) UNDERSERVED COMMUNITY.—The term 'underserved community' has the meaning given that term in section 247."~~

**\* Sec. 133402. Group eligibility requirements**

~~Section 292 of the Trade Act of 1974 (19 U.S.C. 2401a) is amended—~~

~~(1) in subsection (c)—~~

~~(A) in paragraph (1)—~~

~~(i) by striking "85 percent of" each place it appears; and~~

~~(ii) in subparagraph (D), by adding "and" at the end;~~

~~(B) in paragraph (2), by striking "(2)" and inserting "(2)(A)(i)";~~

~~(C) by redesignating paragraph (3) as clause (ii) of paragraph (2)(A) (as designated by subparagraph (B));~~

~~(D) in clause (ii) of paragraph (2)(A) (as redesignated by subparagraph (C))—~~

~~(i) by striking "importantly"; and~~

~~(ii) by striking the period at the end and inserting "; or"; and~~

~~(E) in paragraph (2), by adding at the end the following:~~

~~"(B)~~

~~"(i) the volume of exports of the agricultural commodity produced by the group in the marketing year with respect to which the group files the petition decreased compared to the average volume of such exports during the 3 marketing years preceding such marketing year; and~~

~~"(ii) the decrease in such exports contributed to the decrease in the national average price, quantity of production, or value of production of, or cash receipts for, the agricultural commodity, as described in paragraph (1)."; and~~

~~(2) in subsection (c)(3), by adding at the end before the period the following: "or exports".~~

**\* Sec. 133403. Benefit information to agricultural commodity producers**

~~Section 295(a) of the Trade Act of 1974 (19 U.S.C. 2401d(a)) is amended by adding at the end the following: "The Secretary shall develop a plan to conduct targeted sustained outreach and offer assistance to agricultural commodity producers from underserved communities".~~

**\* Sec. 133404. Qualifying requirements and benefits for agricultural commodity producers**

~~Section 296 of the Trade Act of 1974 (19 U.S.C. 2401e) is amended—~~

~~(1) in subsection (a)(1)(A), by striking "90 days" and inserting "120 days";~~



~~(2) in subsection (b) —~~

~~(A) in paragraph (3)(B), by striking "\$4,000" and inserting "\$12,000"; and~~

~~(B) in paragraph (4)(C), by striking "\$8,000" and inserting "\$24,000";~~

~~(3) in subsection (c), by striking "\$12,000" and inserting "\$36,000"; and~~

~~(4) by adding at the end the following new subsection:~~

~~"(e) ADJUSTMENTS FOR INFLATION. —~~

~~"(1) IN GENERAL. — The Secretary of Agriculture shall adjust each dollar amount limitation described in this section on the date that is 30 days after the date of the enactment of this subsection, and at the beginning of each fiscal year thereafter, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index for the preceding 12-month period compared to the Consumer Price Index for fiscal year 2020.~~

~~"(2) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT. — In making an adjustment under paragraph (1), the Secretary —~~

~~"(A) shall round the amount of any increase in the Consumer Price Index to the nearest dollar; and~~

~~"(B) may ignore any such increase of less than 1 percent.~~

~~"(3) CONSUMER PRICE INDEX DEFINED. — For purposes of this subsection, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Bureau of Labor Statistics of the Department of Labor."~~

**\* Sec. 133501. Extension of and appropriations for trade adjustment assistance program**

~~(a) EXTENSION OF TERMINATION PROVISIONS. — Section 285 of the Trade Act of 1974 (19 U.S.C. 2271 note) is amended by striking "2021" each place it appears and inserting "2028".~~

~~(b) TRAINING FUNDS. — Section 236(a)(2)(A) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)(A)), as amended by section 133410(c)(2)(B), is further amended —~~

~~(1) by striking "shall not exceed \$450,000,000" and inserting the following: shall not exceed —~~

~~"(i) \$450,000,000";~~

~~(2) by striking the period at the end and inserting "; and"; and~~

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

~~"(ii) \$1,000,000,000 for each of the fiscal years 2022 through 2028."~~

~~(c) REEMPLOYMENT TRADE ADJUSTMENT ASSISTANCE. — Section 246(b)(1) of the Trade Act of 1974 (19 U.S.C. 2318(b)(1)) is amended by striking "2021" and inserting "2028".~~

~~(d) AUTHORIZATIONS OF APPROPRIATIONS. —~~

~~(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS. — Section 245 of the Trade Act of 1974 (19 U.S.C. 2317) is amended —~~

~~(A) in subsection (a), by striking "2021" and inserting "2028"; and~~

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

~~"(d) RESERVATION BY THE SECRETARY.— Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Labor may reserve not more than 0.5 percent for technical assistance, pilots and demonstrations, and the evaluation of activities carried out under this chapter."~~

~~(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.— Section 255(a) of the Trade Act of 1974 (19 U.S.C. 2345(a)) is amended in the first sentence by adding at the end before the period the following: "and \$50,000,000 for each of the fiscal years 2022 through 2028"~~

~~(3) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.— Section 298 of the Trade Act of 1974 (19 U.S.C. 2401g(a)) is amended—~~

~~(A) in subsection (a)—~~

~~(i) by striking "\$90,000,000" and inserting "\$50,000,000"; and~~

~~(ii) by striking "2021" and inserting "2028"; and~~

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

~~"(e) RESERVATION BY THE SECRETARY.— Of the funds appropriated to carry out this chapter for any fiscal year, the Secretary of Agriculture may not reserve more than 5 percent for technical assistance, pilots and demonstrations, and the evaluation of activities carried out under this chapter."~~

~~(e) APPROPRIATIONS.—~~

~~(1) TRADE ADJUSTMENT ASSISTANCE FOR WORKERS.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until expended, to carry out the purposes of chapter 2 of title II of the Trade Act of 1974, as authorized by section 245 of the Trade Act of 1974 (19 U.S.C. 2317) (as amended by subsection (d)):~~

~~(2) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to carry out the provisions of chapter 3 of title II of the Trade Act of 1974, as authorized by section 255 of the Trade Act of 1974 (19 U.S.C. 2345) (as amended by subsection (d)):~~

~~(3) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITIES.—~~

~~(A) IN GENERAL.— In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2026, out of any money in the Treasury not otherwise appropriated, \$1,000,000,000, to remain available until expended, to carry out subchapter A of chapter 4 of title II of the Trade Act of 1974, as added by section 133301 of this Act, as added by subsection (d):~~

~~(B) SALARIES AND EXPENSES.— Of the amounts appropriated pursuant subparagraph (A) for each of fiscal years 2022 through 2026, not more than \$42,000,000 shall be made available for the salaries and expenses of personnel administering subchapter A of chapter 4 of title II of the Trade Act of 1974.~~

~~(C) SUPPLEMENT AND NOT SUPPLANT.—~~ Amounts appropriated pursuant to subparagraph (A) for each of the fiscal years 2022 through 2026 shall be used to supplement, and not supplant, other Federal, State, regional, and local government funds made available to provide economic development assistance for communities.

~~(4) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.—~~

~~(A) IN GENERAL.—~~ In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$1,300,000,000, to remain available until expended, to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974, as designated by section 13301 of this Act, as authorized by section 279A of such subchapter B (as redesignated).

~~(B) RESERVATION BY THE SECRETARY.—~~ Of the funds appropriated to carry out subchapter B of chapter 4 of title II of the Trade Act of 1974 for each of fiscal years 2002 through 2028, the Secretary of Labor may reserve not more than 5 percent for administration of the program, including providing technical assistance, sustained outreach to eligible institutions effectively serving underserved communities, pilots and demonstrations, and a rigorous third-party evaluation of the program carried out under such subchapter.

~~(5) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—~~ In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2028, out of any money in the Treasury not otherwise appropriated, \$50,000,000, to remain available until expended, to carry out the purposes of chapter 6 of title II of the Trade Act of 1974, as authorized by section 298 of the Trade Act of 1974 (19 U.S.C. 2401) (as amended by subsection (d)).

**\* Sec. 133502. Applicability of trade adjustment assistance provisions**

~~(a) WORKERS CERTIFIED BEFORE DATE OF ENACTMENT.—~~

~~(1) IN GENERAL.—~~ Except as provided in paragraphs (2) and (3), a worker certified as eligible for adjustment assistance under section 222 of the Trade Act of 1974 before the date of the enactment of this Act shall be eligible, on and after such date of enactment, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

~~(2) COMPUTATION OF MAXIMUM BENEFITS.—~~ Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

~~(3) AUTHORITY TO MAKE ADJUSTMENTS TO BENEFITS.—~~ For the 90-day period beginning on the date of the enactment of this Act, the Secretary is authorized to make

~~any adjustments to benefits to workers described in paragraph (1) that the Secretary determines to be necessary and appropriate in applying and administering the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment, in a manner that ensures parity of treatment between the benefits of such workers and the benefits of workers certified after such date of enactment.~~

~~(b) WORKERS NOT CERTIFIED PURSUANT TO CERTAIN PETITIONS FILED BEFORE DATE OF ENACTMENT.—~~

~~(1) CERTIFICATIONS OF WORKERS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—~~

~~(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—~~ If, as of the date of the enactment of this Act, the Secretary of Labor has not made a determination with respect to whether to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment.

~~(B) RECONSIDERATION OF DENIALS OF CERTIFICATIONS.—~~ If, before the date of the enactment of this Act, the Secretary made a determination not to certify a group of workers as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

~~(i) reconsider that determination; and~~

~~(ii) if the group of workers meets the requirements of section 222 of the Trade Act of 1974, as in effect on such date of enactment, certify the group of workers as eligible to apply for adjustment assistance.~~

~~(C) PETITION DESCRIBED.—~~ A petition described in this subparagraph is a petition for a certification of eligibility for a group of workers filed under section 221 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.

~~(2) ELIGIBILITY FOR BENEFITS.—~~

~~(A) IN GENERAL.—~~ Except as provided in subparagraph (B), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974 pursuant to a petition described in paragraph (1)(C) shall be eligible, on and after the date of the enactment of this Act, to receive benefits only under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

~~(B) COMPUTATION OF MAXIMUM BENEFITS.—~~ Benefits received by a worker described in paragraph (1) under chapter 2 of title II of the Trade Act of 1974 before the date of the enactment of this Act shall be included in any determination of the maximum benefits for which the worker is eligible under the provisions of chapter 2 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, or as such provisions may be amended after such date of enactment.

~~(c) CONFORMING AMENDMENTS.—~~

~~(1) TRADE ACT OF 2002.—~~ Section 151 of the Trade Act of 2002 (19 U.S.C. note prec. 2271) is amended by striking subsections (a), (b), and (c).

~~(2) TRADE AND GLOBALIZATION ADJUSTMENT ASSISTANCE ACT OF 2009.—~~ Section 1891 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2274 note) is repealed.

~~(3) TRADE ADJUSTMENT ASSISTANCE EXTENSION ACT OF 2011.—~~ The Trade Adjustment Assistance Extension Act of 2011 is amended—

~~(A) in section 201 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and~~

~~(B) in section 231(a) (19 U.S.C. 2271 note), by striking paragraphs (1)(B) and (2);~~

~~(4) TRADE ADJUSTMENT ASSISTANCE REAUTHORIZATION ACT OF 2015.—~~ The Trade Adjustment Assistance Reauthorization Act of 2015 is amended—

~~(A) in section 402 (19 U.S.C. note prec. 2271), by striking subsections (b) and (c); and~~

~~(B) in section 405(a)(1) (19 U.S.C. 2319(a)(1)), by striking subparagraph (B).~~

~~(d) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—~~~~(1) CERTIFICATION OF FIRMS NOT CERTIFIED BEFORE DATE OF ENACTMENT.—~~

~~(A) CRITERIA IF A DETERMINATION HAS NOT BEEN MADE.—~~ If, as of the date of the enactment of this Act, the Secretary of Commerce has not made a determination with respect to whether to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall make that determination based on the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment.

~~(B) RECONSIDERATION OF DENIAL OF CERTAIN PETITIONS.—~~ If, before the date of the enactment of this Act, the Secretary made a determination not to certify a firm as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C), the Secretary shall—

~~(i) reconsider that determination; and~~

~~(ii) if the firm meets the requirements of section 251 of the Trade Act of 1974, as in effect on such date of enactment, certify the firm as eligible to apply for adjustment assistance.~~

~~(C) PETITION DESCRIBED.—~~ A petition described in this subparagraph is a petition for a certification of eligibility filed by a firm or its representative under section 251 of the Trade Act of 1974 on or after January 1, 2021, and before the date of the enactment of this Act.

~~(2) CERTIFICATION OF FIRMS THAT DID NOT SUBMIT PETITIONS BETWEEN JANUARY 1, 2021, AND DATE OF ENACTMENT.—~~

~~(A) IN GENERAL.—The Secretary of Commerce shall certify a firm described in subparagraph (B) as eligible to apply for adjustment assistance under section 251 of the Trade Act of 1974, as in effect on the date of the enactment of this Act, if the firm or its representative files a petition for a certification of eligibility under section 251 of the Trade Act of 1974 not later than 90 days after such date of enactment.~~

~~(B) FIRM DESCRIBED.—A firm described in this subparagraph is a firm that the Secretary determines would have been certified as eligible to apply for adjustment assistance if—~~

~~(i) the firm or its representative had filed a petition for a certification of eligibility under section 251 of the Trade Act of 1974 on a date during the period beginning on January 1, 2021, and ending on the day before the date of the enactment of this Act; and~~

~~(ii) the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, had been in effect on that date during the period described in clause (i).~~

## ~~Subtitle E—~~

### ~~Part 1—Provisions relating to Pathways to Health Careers~~

#### ~~Sec. 134101. Pathways to Health Careers Act~~

~~(a) TRANSITION FUNDING.—There is appropriated, out of any funds in the Treasury not otherwise appropriated, \$15,000,000 to the Secretary of Health and Human Services to provide technical assistance and cover administrative costs associated with implementing section 2071 of the Social Security Act (as added by subsection (b)).~~

~~(b) CAREER PATHWAYS THROUGH HEALTH PROFESSION OPPORTUNITY GRANTS.—~~

~~Effective October 1, 2021, title XX of the Social Security Act (42 U.S.C. 1397-1397n-13) is amended by adding at the end the following:~~

### ~~"Subtitle D—Career pathways through health profession opportunity grants~~

#### ~~"Sec. 2071. Career pathways through health profession opportunity grants~~

~~"(a) APPLICATION REQUIREMENTS.—An eligible entity desiring a grant under this section for a project shall submit to the Secretary an application for the grant, that includes the following:~~

~~"(1) A description of how the applicant will use a career pathways approach to train eligible individuals for health professions that pay well or will put eligible individuals on a career path to an occupation that pays well, under the project.~~

~~"(2) A description of the (i) adult basic education and literacy activities, work readiness activities, training activities, and case management and career coaching services that the applicant will use to assist eligible individuals to gain work~~

experience, connection to employers, and job placement, and a description of the plan for recruiting, hiring, and training staff to provide the case management, mentoring, and career coaching services, under the project directly or through local governmental, apprenticeship, educational, or charitable institutions.

~~“(3) In the case of an application for a grant under this section for a demonstration project described in subsection (c)(2)(B)(i)(I)—~~

~~“(A) a demonstration that the State in which the demonstration project is to be conducted has in effect policies or laws that permit certain allied health and behavioral health care credentials to be awarded to people with certain arrest or conviction records (which policies or laws shall include appeals processes, waivers, certificates, and other opportunities to demonstrate rehabilitation to obtain credentials, licensure, and approval to work in the proposed health careers), and a plan described in the application that will use a career pathway to assist participants with such a record in acquiring credentials, licensing, and employment in the specified careers;~~

~~“(B) a discussion of how the project or future strategic hiring decisions will demonstrate the experience and expertise of the project in working with job seekers who have arrest or conviction records or employers with experience working with people with arrest or conviction records;~~

~~“(C) an identification of promising innovations or best practices that can be used to provide the training;~~

~~“(D) a proof of concept or demonstration that the applicant has done sufficient research on workforce shortage or in-demand jobs for which people with certain types of arrest or conviction records can be hired;~~

~~“(E) a plan for recruiting students who are eligible individuals into the project; and~~

~~“(F) a plan for providing post-employment support and ongoing training as part of a career pathway under the project.~~

~~“(4) In the case of an application for a grant under this section for a demonstration project described in subsection (c)(2)(B)(i)(II)—~~

~~“(A) a description of the partnerships, strategic staff hiring decisions, tailored program activities, or other programmatic elements of the project, such as training plans for doulas and other community health workers and training plans for midwives and other allied health professions, that are designed to support a career pathway in pregnancy, birth, or post-partum services; and~~

~~“(B) a demonstration that the State in which the demonstration project is to be conducted recognizes doulas or midwives, as the case may be.~~

~~“(5) A demonstration that the applicant has experience working with low-income populations, or a description of the plan of the applicant to work with a partner organization that has the experience.~~

~~"(6) A plan for providing post-employment support and ongoing training as part of a career pathway under the project.~~

~~"(7) A description of the support services that the applicant will provide under the project, including a plan for how child care and transportation support services will be guaranteed and, if the applicant will provide a cash stipend or wage supplement, how the stipend or supplement would be calculated and distributed.~~

~~"(8) A certification by the applicant that the project development included—~~

~~"(A) consultation with a local workforce development board established under section 107 of the Workforce Innovation and Opportunity Act;~~

~~"(B) consideration of apprenticeship and pre-apprenticeship models registered under the Act of August 16, 1937 (also known as the 'National Apprenticeship Act');~~

~~"(C) consideration of career pathway programs in the State in which the project is to be conducted; and~~

~~"(D) a review of the State plan under section 102 or 103 of the Workforce Innovation and Opportunity Act.~~

~~"(9) A description of the availability and relevance of recent labor market information and other pertinent evidence of in-demand jobs or worker shortages.~~

~~"(10) A certification that the applicant will directly provide or contract for the training services described in the application.~~

~~"(11) A commitment by the applicant that, if the grant is made to the applicant, the applicant will—~~

~~"(A) during the planning period for the project, provide the Secretary with any information needed by the Secretary to establish adequate data reporting and administrative structure for the project;~~

~~"(B) hire a person to direct the project not later than the end of the planning period applicable to the project;~~

~~"(C) accept all technical assistance offered by the Secretary with respect to the grant;~~

~~"(D) participate in peer technical assistance conferences as are regularly scheduled by the Secretary; and~~

~~"(E) provide all data required by the Secretary under subsection (g).~~

~~"(b) PREFERENCES IN CONSIDERING APPLICATIONS.— In considering applications for a grant under this section, the Secretary shall give preference to—~~

~~"(1) applications submitted by applicants to whom a grant was made under this section or any predecessor to this section;~~

~~"(2) applications submitted by applicants who have business and community partners in each of the following categories:~~

~~"(A) State and local <sup>(1)</sup> government agencies and social service providers, including a State or local entity that administers a State program funded under~~



~~part A of this title;~~

~~"(B) institutions of higher education, apprenticeship programs, and local workforce development boards established under section 107 of the Workforce Innovation and Opportunity Act; and~~

~~"(C) health care employers, health care industry or sector partnerships, labor unions, and labor-management partnerships;~~

~~"(3) applications that include opportunities for mentoring or peer support, and make career coaching available, as part of the case management plan;~~

~~"(4) applications which describe a project that will serve a rural area in which —~~

~~"(A) the community in which the individuals to be enrolled in the project reside is located;~~

~~"(B) the project will be conducted; or~~

~~"(C) an employer partnership that has committed to hiring individuals who successfully complete all activities under the project is located;~~

~~"(5) applications that include a commitment to providing project participants with a cash stipend or wage supplement; and~~

~~"(6) applications which have an emergency cash fund to assist project participants financially in emergency situations.~~

~~"(c) GRANTS. —~~

~~"(1) COMPETITIVE GRANTS. —~~

~~"(A) GRANT AUTHORITY. —~~

~~"(i) IN GENERAL. — The Secretary may make a grant in accordance with this paragraph to an eligible entity whose application for the grant is approved by the Secretary, to conduct a project designed to train low-income individuals for allied health professions, health information technology, physicians assistants, nursing assistants, registered nurse, advanced practice nurse, and other professions considered part of a health care career pathway model.~~

~~"(ii) GUARANTEE OF GRANTEEES IN EACH STATE AND THE DISTRICT OF COLUMBIA. — For each grant cycle, the Secretary shall award a grant under this paragraph to at least 2 eligible entities in each State that is not a territory, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant. If, for a grant cycle, there are fewer than 2 such eligible entities in a State, the Secretary shall include that information in the report required by subsection (g)(2) that covers the fiscal year.~~

~~"(B) GUARANTEE OF GRANTS FOR INDIAN POPULATIONS. — From the amount reserved under subsection (i)(2)(B) for each fiscal year, the Secretary shall award a grant under this paragraph to at least 10 eligible entities that are an Indian tribe, a tribal organization, or a tribal college or university, to the extent there are a~~

~~sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.~~

~~"(G) GUARANTEE OF GRANTEES IN THE TERRITORIES.— From the amount reserved under subsection (i)(2)(C) for each fiscal year, the Secretary shall award a grant under this paragraph to at least 2 eligible entities that are located in a territory, to the extent there are a sufficient number of applications submitted by the entities that meet the requirements applicable with respect to such a grant.~~

~~"(2) GRANTS FOR DEMONSTRATION PROJECTS.—~~

~~"(A) GRANT AUTHORITY.— The Secretary shall make a grant in accordance with this subsection to an eligible entity whose application for the grant is approved by the Secretary, to conduct a demonstration project that meets the requirements of subparagraph (B).~~

~~"(B) REQUIREMENTS.— The requirements of this subparagraph are the following:~~

~~"(i) TYPE OF PROJECT.— The demonstration project shall be of 1 of the following types:~~

~~"(I) INDIVIDUALS WITH ARREST OR CONVICTION RECORDS DEMONSTRATION.— The demonstration project shall be of a type designed to provide education and training for eligible individuals with arrest or conviction records to enter and follow a career pathway in the health professions through occupations that pay well and are expected to experience a labor shortage or be in high demand.~~

~~"(II) PREGNANCY AND CHILDBIRTH CAREER PATHWAY DEMONSTRATION.— The demonstration project shall be of a type designed to provide education and training for eligible individuals to enter and follow a career pathway in the field of pregnancy, childbirth, post-partum, or childbirth and post-partum, in a State that recognizes doulas or midwives and that provides payment for services provided by doulas or midwives, as the case may be, under private or public health insurance plans.~~

~~"(ii) DURATION.— The demonstration project shall be conducted for not less than 5 years:~~

~~"(C) MINIMUM ALLOCATION OF FUNDS FOR EACH TYPE OF DEMONSTRATION PROJECT.—~~

~~"(i) INDIVIDUALS WITH ARREST OR CONVICTION RECORDS DEMONSTRATIONS.— Not less than \$6,375,000 of the amounts made available for grants under this paragraph shall be used to make grants for demonstration projects of the type described in subparagraph (B)(i)(I).~~

~~"(ii) PREGNANCY AND CHILDBIRTH CAREER PATHWAY DEMONSTRATIONS.— Not less than \$6,375,000 of the amounts made available for grants under this paragraph shall be used to make grants for demonstration projects of the type described in subparagraph (B)(i)(II).~~

~~"(3) GRANT CYCLE.—The grant cycle under this section shall be not less than 5 years, with a planning period of not more than the first 12 months of the grant cycle. During the planning period, the amount of the grant shall be in such lesser amount as the Secretary determines appropriate.~~

~~"(d) USE OF GRANT.—~~

~~"(1) IN GENERAL.—An entity to which a grant is made under this section shall use the grant in accordance with the approved application for the grant.~~

~~"(2) SUPPORT TO BE PROVIDED.—~~

~~"(A) REQUIRED SUPPORT.—A project for which a grant is made under this section shall include the following:~~

~~"(i) An assessment for adult basic skill competency, and provision of adult basic skills education if necessary for lower-skilled eligible individuals to enroll in the project and go on to enter and complete post-secondary training, through means including the following:~~

~~"(I) Establishing a network of partners that offer pre-training activities for project participants who need to improve basic academic skills or English language proficiency before entering a health occupational training career pathway program.~~

~~"(II) Offering resources to enable project participants to continue advancing adult basic skill proficiency while enrolled in a career pathway program.~~

~~"(III) Embedding adult basic skill maintenance as part of ongoing post-graduation career coaching and mentoring.~~

~~"(ii) A guarantee that child care is an available and affordable support service for project participants through means such as the following:~~

~~"(I) Referral to, and assistance with, enrollment in a subsidized child care program.~~

~~"(II) Direct payment to a child care provider if a slot in a subsidized child care program is not available or reasonably accessible.~~

~~"(III) Payment of co-payments or associated fees for child care.~~

~~"(iii) Case management plans that include career coaching (with the option to offer appropriate peer support and mentoring opportunities to help develop soft skills and social capital), which may be offered on an ongoing basis before, during, and after initial training as part of a career pathway model.~~

~~"(iv) A plan to provide project participants with transportation through means such as the following:~~

~~"(I) Referral to, and assistance with enrollment in, a subsidized transportation program.~~

~~"(II) If a subsidized transportation program is not reasonably available, direct payments to subsidize transportation costs.~~

~~For purposes of this clause, the term 'transportation' includes public transit, or gasoline for a personal vehicle if public transit is not reasonably accessible or available.~~

~~"(v) In the case of a demonstration project of the type described in subsection (c)(2)(B)(i)(I), access to legal assistance for project participants for the purpose of addressing arrest or conviction records and associated workforce barriers.~~

~~"(B) ALLOWED SUPPORT.— The goods and services provided under a project for which a grant is made under this section may include the following:~~

~~"(i) A cash stipend;~~

~~"(ii) A reserve fund for financial assistance to project participants in emergency situations;~~

~~"(iii) Tuition, and training materials such as books, software, uniforms, shoes, and hair nets, and personal protective equipment;~~

~~"(iv) In-kind resource donations such as interview clothing and conference attendance fees;~~

~~"(v) Assistance with accessing and completing high school equivalency or adult basic education courses as necessary to achieve success in the project and make progress toward career goals;~~

~~"(vi) Assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records as an employment barrier;~~

~~"(vii) Other support services as deemed necessary for family well-being, success in the project, and progress toward career goals;~~

~~"(3) TRAINING.— The number of hours of training provided to an eligible individual under a project for which a grant is made under this section, for a recognized postsecondary credential (including an industry-recognized credential, and a certificate awarded by a local workforce development board established under section 407 of the Workforce Innovation and Opportunity Act), which is awarded in recognition of attainment of measurable technical or occupational skills necessary to gain employment or advance within an occupation, shall be—~~

~~"(A) not less than the number of hours of training required for certification in that level of skill by the State in which the project is conducted; or~~

~~"(B) if there is no such requirement, such number of hours of training as the Secretary finds is necessary to achieve that skill level.~~

~~"(4) INCLUSION OF TANF RECIPIENTS.— In the case of a project for which a grant is made under this section that is conducted in a State that has a program funded under part A of title IV, at least 10 percent of the eligible individuals to whom support is provided under the project shall meet the income eligibility requirements under that State program, without regard to whether the individuals receive benefits or services directly under that State program.~~

~~"(5) INCOME LIMITATION.— An entity to which a grant is made under this section shall not use the grant to provide support to a person who is not an eligible individual.~~

~~"(6) PROHIBITION.— An entity to which a grant is made under this section shall not use the grant for purposes of entertainment, except that case management and career coaching services may include celebrations of specific career-based milestones such as completing a semester, graduation, or job placement.~~

~~"(e) TECHNICAL ASSISTANCE.—~~

~~"(1) IN GENERAL.— The Secretary shall provide technical assistance—~~

~~"(A) to assist eligible entities in applying for grants under this section;~~

~~"(B) that is tailored to meet the needs of grantees at each stage of the administration of projects for which grants are made under this section;~~

~~"(C) that is tailored to meet the specific needs of Indian tribes, tribal organizations, and tribal colleges and universities;~~

~~"(D) that is tailored to meet the specific needs of the territories;~~

~~"(E) that is tailored to meet the specific needs of eligible entities in carrying out demonstration projects for which a grant is made under this section; and~~

~~"(F) to facilitate the exchange of information among eligible entities regarding best practices and promising practices used in the projects.~~

~~"(2) CONTINUATION OF PEER TECHNICAL ASSISTANCE CONFERENCES.— The Secretary shall continue to hold peer technical assistance conferences for entities to which a grant is made under this section or was made under the immediate predecessor of this section. The preceding sentence shall not be interpreted to require any such conference to be held in person.~~

~~"(f) EVALUATION OF DEMONSTRATION PROJECTS.—~~

~~"(1) IN GENERAL.— The Secretary shall, by grant, contract, or interagency agreement, conduct rigorous and well-designed evaluations of the demonstration projects for which a grant is made under this section.~~

~~"(2) REQUIREMENT APPLICABLE TO INDIVIDUALS WITH ARREST OR CONVICTION RECORDS DEMONSTRATION.— In the case of a project of the type described in subsection (c)(2)(B)(i)(I), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals with arrest or conviction records, a health professions workforce that has accessible entry points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the workforce.~~

~~"(3) REQUIREMENT APPLICABLE TO PREGNANCY AND CHILDBIRTH CAREER PATHWAY DEMONSTRATION.— In the case of a project of the type described in subsection (c)(2)(B)(i)(II), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other entry-level workers, a career pathway that has accessible entry~~

points, that meets high standards for education, training, certification, and professional development, and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the birth, pregnancy, and post-partum workforce.

~~"(4) RULE OF INTERPRETATION.—Evaluations conducted pursuant to this subsection may include a randomized controlled trial, but this subsection shall not be interpreted to require an evaluation to include such a trial.~~

~~"(g) REPORTS.—~~

~~"(1) TO THE SECRETARY.—An eligible entity awarded a grant to conduct a project under this section shall submit interim reports to the Secretary on the activities carried out under the project, and, on the conclusion of the project, a final report on the activities. Each such report shall include data on participant outcomes related to earnings, employment in health professions, graduation rate, graduation timeliness, credential attainment, participant demographics, and other data specified by the Secretary.~~

~~"(2) TO THE CONGRESS.—During each Congress, the Secretary shall submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate a report—~~

~~"(A) on the demographics of the participants in the projects for which a grant is made under this section;~~

~~"(B) on the rate of which project participants completed all activities under the projects;~~

~~"(C) on the employment credentials acquired by project participants;~~

~~"(D) on the employment of project participants on completion of activities under the projects, and the earnings of project participants at entry into employment;~~

~~"(E) on best practices and promising practices used in the projects;~~

~~"(F) on the nature of any technical assistance provided to grantees under this section;~~

~~"(G) on, with respect to the period since the period covered in the most recent prior report submitted under this paragraph—~~

~~"(i) the number of applications submitted under this section, with a separate statement of the number of applications referred to in subsection (b)(5);~~

~~"(ii) the number of applications that were approved, with a separate statement of the number of such applications referred to in subsection (b)(5); and~~

~~"(iii) a description of how grants were made in any case described in the last sentence of subsection (c)(1)(A)(ii); and~~

~~"(H) that includes an assessment of the effectiveness of the projects with respect to addressing health professions workforce shortages or in-demand jobs.~~

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

~~"(1) ALLIED HEALTH PROFESSION.—The term 'allied health profession' has the meaning given in section 799B(5) of the Public Health Service Act.~~

~~"(2) CAREER PATHWAY.—The term 'career pathway' has the meaning given that term in section 3(7) of the Workforce Innovation and Opportunity Act.~~

~~"(3) DOULA.—The term 'doula' means an individual who—~~

~~"(A) is certified by an organization that has been established for not less than 5 years and that requires the completion of continuing education to maintain the certification, to provide non-medical advice, information, emotional support, and physical comfort to an individual during the individual's pregnancy, childbirth, and post-partum period; and~~

~~"(B) maintains the certification by completing the required continuing education.~~

~~"(4) ELIGIBLE ENTITY.—The term 'eligible entity' means any of the following entities that demonstrates in an application submitted under this section that the entity has the capacity to fully develop and administer the project described in the application:~~

~~"(A) A local workforce development board established under section 407 of the Workforce Innovation and Opportunity Act.~~

~~"(B) A State or territory, a political subdivision of a State or territory, or an agency of a State, territory, or such a political subdivision, including a State or local entity that administers a State program funded under part A of this title.~~

~~"(C) An Indian tribe, a tribal organization, or a tribal college or university.~~

~~"(D) An institution of higher education (as defined in the Higher Education Act of 1965).~~

~~"(E) A hospital (as defined in section 1861(e)).~~

~~"(F) A high-quality skilled nursing facility.~~

~~"(G) A Federally qualified health center (as defined in section 1861(aa)(4)).~~

~~"(H) A nonprofit organization described in section 501(c)(3) of the Internal Revenue Code of 1986, a labor organization, or an entity with shared labor-management oversight, that has a demonstrated history of providing health profession training to eligible individuals.~~

~~"(I) In the case of a demonstration project of the type provided for in subsection (c)(2)(B)(i)(II) of this section, an entity recognized by a State, Indian tribe, or tribal organization as qualified to train doulas or midwives, if midwives or doulas, as the case may be, are permitted to practice in the State involved.~~

~~"(J) An opioid treatment program (as defined in section 1861(jjj)(2)), and other high-quality comprehensive addiction care providers.~~

~~"(K) ELIGIBLE INDIVIDUAL.—(A) The term 'eligible individual' means an individual whose family income does not exceed 200 percent of the Federal poverty level.~~

~~"(6) FEDERAL POVERTY LEVEL.— The term 'Federal poverty level' means the poverty line (as defined in section 673(2) of the Omnibus Budget Reconciliation Act of 1981, including any revision required by such section applicable to a family of the size involved):~~

~~"(7) INDIAN TRIBE; TRIBAL ORGANIZATION.— The terms 'Indian tribe' and 'tribal organization' have the meaning given the terms in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b):~~

~~"(8) INSTITUTION OF HIGHER EDUCATION.— The term 'institution of higher education' has the meaning given the term in section 101 or 102(a)(1)(B) of the Higher Education Act of 1965:~~

~~"(9) TERRITORY.— The term 'territory' means the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa:~~

~~"(10) TRIBAL COLLEGE OR UNIVERSITY.— The term 'tribal college or university' has the meaning given the term in section 316(b) of the Higher Education Act of 1965:~~

~~"(i) FUNDING.—~~

~~"(1) IN GENERAL.— Out of any funds in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary to carry out this section \$425,000,000 for each of fiscal years 2022 through 2026:~~

~~"(2) ALLOCATION OF FUNDS.— Of the amount appropriated for a fiscal year under paragraph (1) of this subsection—~~

~~"(A) \$318,750,000 shall be available for grants under subsection (c)(1)(A);~~

~~"(B) \$17,000,000 shall be reserved for grants under subsection (c)(1)(B);~~

~~"(C) \$21,250,000 shall be reserved for grants under subsection (c)(1)(C);~~

~~"(D) \$25,500,000 shall be available for demonstration project grants under subsection (c)(2);~~

~~"(E) \$25,500,000, plus all amounts referred to in subparagraphs (A) through (D) of this paragraph that remain unused after all grant awards are made for the fiscal year, shall be available for the provision of technical assistance and associated staffing; and~~

~~"(F) \$17,000,000 shall be available for studying the effects of the demonstration and non-demonstration projects for which a grant is made under this section, and for associated staffing, for the purpose of supporting the rigorous evaluation of the demonstration projects, and supporting the continued study of the short-, medium-, and long-term effects of all such projects, including the effectiveness of new or added elements of the non-demonstration projects."~~

## ~~Part 2—Provisions relating to Elder Justice~~

~~(I)~~



~~Sec. 134201. Reauthorization of funding for programs to prevent and investigate elder abuse, neglect, and exploitation~~

~~(a) LONG-TERM CARE STAFF TRAINING GRANTS.—~~

~~Section 2041 of the Social Security Act (42 U.S.C. 1397m) is amended to read as follows:~~

~~"Sec. 2041. Nursing home worker training grants~~

~~"(a) APPROPRIATION.— Out of any funds in the Treasury not otherwise appropriated, there is appropriated to the Secretary for each of fiscal years 2022 through 2025—~~

~~"(1) \$392,000,000 for grants under subsection (b)(1); and~~

~~"(2) \$8,000,000 for grants under subsection (b)(2).~~

~~"(b) GRANTS.—~~

~~"(1) STATE ENTITLEMENT.—~~

~~"(A) IN GENERAL.— Each State shall be entitled to receive from the Secretary for each fiscal year specified in subsection (a) a grant in an amount equal to the amount allotted to the State under subparagraph (B) of this paragraph.~~

~~"(B) STATE ALLOTMENTS.— The amount allotted to a State under this subparagraph for a fiscal year shall be—~~

~~"(i) the amount made available by subsection (a) for the fiscal year that is not required to be reserved by subsection (a); multiplied by~~

~~"(ii)~~

~~"(I) the number of State residents who have attained 65 years of age or are individuals with a disability, as determined by the Secretary using the most recent version of the American Community Survey published by the Bureau of the Census or a successor data set; divided by~~

~~"(II) the total number of such residents of all States;~~

~~"(2) GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—~~

~~"(A) IN GENERAL.— The Secretary, in consultation with the Indian tribes and tribal organizations, shall make grants in accordance with this section to Indian tribes and tribal organizations who operate at least 1 eligible setting.~~

~~"(B) GRANT FORMULA.— The Secretary, in consultation with the Indian tribes and tribal organizations, shall devise a formula for distributing among Indian tribes and tribal organizations the amount required to be reserved by subsection (a) for each fiscal year.~~

~~"(3) SUB GRANTS.— A State, Indian tribe, or tribal organization to which an amount is paid under this paragraph may use the amount to make sub-grants to local organizations, including community organizations, local non-profits, elder rights and justice groups, and workforce (development) boards for any purpose described in paragraph (1) or (2) of subsection (c).~~

~~"(c) USE OF FUNDS.—~~

~~"(1) REQUIRED USES.— A State to which an amount is paid under subsection (b) shall use the amount to—~~

~~"(A) provide wage subsidies to eligible individuals;~~

~~"(B) provide student loan repayment or tuition assistance to eligible individuals for a degree or certification in a field relevant to their position referred to in subsection (f)(1)(A);~~

~~"(C) guarantee affordable and accessible child care for eligible individuals, including help with referrals, co-pays, or other direct assistance; and~~

~~"(D) provide assistance where necessary with obtaining appropriate transportation, including public transportation if available, or gas money or transit vouchers for ride share, taxis, and similar types of transportation if public transportation is unavailable or impractical based on work hours or location.~~

~~"(2) AUTHORIZED USES.— A State to which an amount is paid under subsection (b) may use the amount to—~~

~~"(A) establish a reserve fund for financial assistance to eligible individuals in emergency situations;~~

~~"(B) provide in-kind resource donations, such as interview clothing and conference attendance fees;~~

~~"(C) provide assistance with programs and activities, including legal assistance, deemed necessary to address arrest or conviction records that are an employment barrier;~~

~~"(D) support employers operating an eligible setting in the State in providing employees with not less than 2 weeks of paid leave per year; or~~

~~"(E) provide other support services the Secretary deems necessary to allow for successful recruitment and retention of workers.~~

~~"(3) PROVISION OF FUNDS ONLY FOR THE BENEFIT OF ELIGIBLE INDIVIDUALS IN ELIGIBLE SETTINGS.— A State to which an amount is paid under subsection (b) may provide the amount to only an eligible individual or a partner organization serving an eligible individual.~~

~~"(4) NONSUPPLANTATION.— A State to which an amount is paid under subsection (b) shall not use the amount to supplant the expenditure of any State funds for recruiting or retaining employees in an eligible setting.~~

~~"(d) ADMINISTRATION.— A State to which a grant is made under subsection (b) shall reserve not more than 10 percent of the grant to—~~

~~"(1) administer subgrants in accordance with this section;~~

~~"(2) provide technical assistance and support for applying for and accessing such a subgrant opportunity;~~

~~"(3) publicize the availability of the subgrants;~~

~~"(4) carry out activities to increase the supply of eligible individuals; and~~

~~"(5) provide technical assistance to help subgrantees find and train individuals to provide the services for which they are contracted.~~

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

~~"(1) ELIGIBLE INDIVIDUAL.—The term 'eligible individual' means an individual who~~

~~"(A)~~

~~"(i) is a qualified home health aide, as defined in section 484.80(a) of title 42, Code of Federal Regulations;~~

~~"(ii) is a nurse aide approved by the State as meeting the requirements of sections 483.150 through 483.154 of such title, and is listed in good standing on the State nurse aide registry;~~

~~"(iii) is a personal care aide approved by the State, and furnishes personal care services, as defined in section 440.167 of such title;~~

~~"(iv) is a qualified hospice aide, as defined in section 418.76 of such title;~~  
or

~~"(v) is a licensed practical nurse or a licensed or certified social worker;~~  
or

~~"(vi) is receiving training to be certified or licensed as such an aide, nurse, or social worker; and~~

~~"(B) provides (or, in the case of a trainee, intends to provide) services as such an aide, nurse, or social worker in an eligible setting.~~

~~"(2) ELIGIBLE SETTING.—The term 'eligible setting' means—~~

~~"(A) a skilled nursing facility, as defined in section 1819;~~

~~"(B) a nursing facility, as defined in section 1919;~~

~~"(C) a home health agency, as defined in section 1891;~~

~~"(D) a facility provider approved to deliver home or community-based services authorized under State options described in subsection (c) or (i) of section 1915 or, as relevant, demonstration projects authorized under section 1115;~~

~~"(E) a hospice, as defined in section 1814; or~~

~~"(F) a tribal assisted living facility.~~

~~"(3) TRIBAL ORGANIZATION.—The term 'tribal organization' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act."~~

~~(b) ADULT PROTECTIVE SERVICES FUNCTIONS AND GRANT PROGRAMS.—~~

~~(1) DIRECT FUNDING; STATE ENTITLEMENT.—Section 2042 of the Social Security Act (42 U.S.C. 1397m-1) is amended—~~

~~(A) in subsection (a)—~~

~~(i) in paragraph (1)(A)—~~

~~(I) by striking "offices" and inserting "programs"; and~~

~~(H) by inserting "and adults who are under a disability (as defined in section 216(i)(1))" before the semicolon; and~~

~~(ii) by striking paragraph (2) and inserting the following:~~

~~"(2) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$8,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection."~~

~~(B) in subsection (b)—~~

~~(i) in paragraph (2)—~~

~~(I) in subparagraph (A), by striking "the availability of appropriations and"; and~~

~~(II) in subparagraph (B)—~~

~~(aa) in the heading for clause (i), by inserting "and the district of columbia" after "States"; and~~

~~(bb) in clause (ii), by inserting "or the District of Columbia" after "States"; and~~

~~(ii) by striking paragraph (5) and inserting the following:~~

~~"(5) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary for each of fiscal years 2023 through 2025—~~

~~"(A) \$392,000,000 for grants to States under this subsection; and~~

~~"(B) \$8,000,000 for grants to Indian tribes and tribal organizations under this subsection."; and~~

~~(C) in subsection (c), by striking paragraph (6) and inserting the following:~~

~~"(6) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$75,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection."~~

~~(2) STATE ENTITLEMENT; GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.— Section 2042 of such Act (42 U.S.C. 1397m-1) is amended—~~

~~(A) in subsection (a)(1)(A), by striking "State and local" and inserting "State, local, and tribal";~~

~~(B) in subsection (b)(1), by striking "the Secretary shall annually award grants to States in the amounts calculated under paragraph (2)" and inserting "each State shall be entitled to annually receive from the Secretary in the amounts calculated under paragraph (2), and the Secretary may annually award to each Indian tribe and tribal organization in accordance with paragraph (3), grants";~~

~~(C) in subsection (b)(2)—~~

~~(i) in the paragraph heading, by inserting "for a State" after "payment";~~

(ii) in subparagraph (A), by striking "to carry out" and inserting "for grants to States under"; and

(iii) in subparagraph (B)(i), by striking "such year" and inserting "for grants to States under this subsection for the fiscal year"; and

(D) in subsection (b), by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively, and inserting after paragraph (2) the following:

~~"(3) AMOUNT OF PAYMENT TO INDIAN TRIBE OR TRIBAL ORGANIZATION.—~~  
~~The Secretary, in consultation with Indian tribes and tribal organizations, shall determine the amount of any grant to be made to each Indian tribe and tribal organization under this subsection. Paragraphs (4) and (5) shall apply to grantees under this paragraph in the same manner in which the paragraphs apply to States."~~

~~(E) in subsection (c)—~~

~~(i) in paragraph (1), by striking "to States" and inserting "to States, Indian tribes, and tribal organizations";~~

~~(ii) in paragraph (2)—~~

~~(I) in the matter preceding subparagraph (A), by inserting "and Indian tribes and tribal organizations" after "government"; and~~

~~(II) in subparagraph (D), by inserting "or Indian tribe or tribal organization, as the case may be" after "government";~~

~~(iii) in paragraph (4), by inserting "or Indian tribe or tribal organization" after "a State" the 1st place it appears; and~~

~~(iv) in paragraph (5)—~~

~~(I) by inserting "or Indian tribe or tribal organization" after "Each State"; and~~

~~(II) by inserting "or Indian tribe or tribal organization, as the case may be" after "the State"; and~~

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

~~"(d) DEFINITIONS OF INDIAN TRIBE AND TRIBAL ORGANIZATION.— In this section, the terms 'Indian tribe' and 'tribal organization' have the meanings given the terms in section 419."~~

~~(3) CONFORMING AMENDMENT.— Section 2011(2) of such Act (42 U.S.C. 1397j(2)) is amended by striking "such services provided to adults as the Secretary may specify" and inserting "services provided by an entity authorized by or under State law address neglect, abuse, and exploitation of older adults and people with disabilities".~~

~~(c) LONG-TERM CARE OMBUDSMAN PROGRAM GRANTS AND TRAINING.— Section 2043 of the Social Security Act (42 U.S.C. 1397m-2) is amended—~~

~~(i) in subsection (a), by striking paragraph (2) and inserting the following:~~

~~"(2) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary to carry out this subsection~~

~~"(A) \$22,500,000 for fiscal year 2023; and~~

~~"(B) \$30,000,000 for each of fiscal years 2024 and 2025."; and~~

~~(2) in subsection (b), by striking paragraph (2) and inserting the following:~~

~~"(2) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$30,000,000 for each of fiscal years 2023 through 2025 to carry out this subsection."~~

~~(d) INCENTIVES FOR DEVELOPING AND SUSTAINING STRUCTURAL COMPETENCY IN PROVIDING HEALTH AND HUMAN SERVICES.—~~

~~Part II of subtitle B of title XX of the Social Security Act (42 U.S.C. 1397m-1397m-5) is amended by adding at the end the following:~~

~~**"Sec. 2047. Incentives for developing and sustaining structural competency in providing health and human services**~~

~~"(a) GRANTS TO STATES TO SUPPORT LINKAGES TO LEGAL SERVICES AND MEDICAL LEGAL PARTNERSHIPS.—~~

~~"(1) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$500,000,000 for fiscal year 2022, to remain available for the purposes of this subsection through fiscal year 2028.~~

~~"(2) GRANTS.— Within 2 years after the date of the enactment of this section, the Secretary shall establish and administer a program of grants to States to support the adoption of evidence-based approaches to establishing or improving and maintaining real-time linkages between health and social services and supports for vulnerable elders or in conjunction with authorized representatives of vulnerable elders, including through the following:~~

~~"(A) MEDICAL-LEGAL PARTNERSHIPS.— The establishment and support of medical-legal partnerships, the incorporation of the partnerships in the elder justice framework and health and human services safety net, and the implementation and operation of such a partnership by an eligible grantee—~~

~~"(i) at the option of a State, in conjunction with an area agency on aging;~~

~~"(ii) in a solo provider practice in a health professional shortage area (as defined in section 332(a) of the Public Health Service Act), a medically underserved community (as defined in section 399V of such Act), or a rural area (as defined in section 330J of such Act);~~

~~"(iii) in a minority-serving institution of higher learning with health, law, and social services professional programs;~~

~~"(iv) in a federally qualified health center, as described in section 330 of the Public Health Service Act, or look-alike, as described in section 1905(l)(2) (B) of this Act; or~~

~~"(v) in certain hospitals that are critical access hospitals, Medicare-dependent hospitals, sole community hospitals, rural emergency hospitals, or that serve a high proportion of Medicare or Medicaid patients.~~

~~"(B) LEGAL HOTLINES DEVELOPMENT OR EXPANSION.— The provision of incentives to develop, enhance, and integrate platforms, such as legal assistance hotlines, that help to facilitate the identification of older adults who could benefit from linkages to available legal services such as those described in subparagraph (A).~~

~~"(3) STATE REPORTS.— Each State to which a grant is made under this subsection shall submit to the Secretary biannual reports on the activities carried out by the State pursuant to this subsection, which shall include assessments of the effectiveness of the activities with respect to—~~

~~"(A) the number of unique individuals identified through the mechanism outlined in paragraph (2)(B) who are referred to services described in paragraph (2)(A), and the average time period associated with resolving issues;~~

~~"(B) the success rate for referrals to community-based resources; and~~

~~"(C) other factors determined relevant by the Secretary.~~

~~"(4) EVALUATION.— The Secretary shall, by grant, contract, or interagency agreement, evaluate the activities conducted pursuant to this subsection, which shall include a comparison among the States.~~

~~"(5) SUPPLEMENT NOT SUPPLANT.— Support provided to area agencies on aging, State units on aging, eligible entities, or other community-based organizations pursuant to this subsection shall be used to supplement and not supplant any other Federal, State, or local funds expended to provide the same or comparable services described in this subsection.~~

~~"(b) GRANTS AND TRAINING TO SUPPORT AREA AGENCIES ON AGING OR OTHER COMMUNITY-BASED ORGANIZATIONS TO ADDRESS SOCIAL ISOLATION AMONG VULNERABLE OLDER ADULTS AND PEOPLE WITH DISABILITIES.—~~

~~"(1) APPROPRIATION.— Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary \$250,000,000, to remain available for the purposes of this subsection through fiscal year 2028.~~

~~"(2) GRANTS.— The Secretary shall make grants to eligible area agencies on aging or other community-based organizations for the purpose of—~~

~~"(A) conducting outreach to individuals at risk for, or already experiencing, social isolation or loneliness, through established screening tools or other methods identified by the Secretary;~~

~~"(B) developing community-based interventions for the purposes of mitigating loneliness or social isolation (including evidence-based programs, as defined by the Secretary, developed with multi-stakeholder input for the purposes of promoting social connection, mitigating social isolation or loneliness, or preventing social isolation or loneliness) among at-risk individuals;~~

~~"(C) connecting at-risk individuals with community social and clinical supports; and~~

~~"(D) evaluating the effect of programs developed and implemented under subparagraphs (B) and (C):~~

~~"(3) TRAINING.— The Secretary shall establish programs to provide and improve training for area agencies on aging or community-based organizations with respect to addressing and preventing social isolation and loneliness among older adults and people with disabilities:~~

~~"(4) EVALUATION.— Not later than 3 years after the date of the enactment of this section and at least once after fiscal year 2025, the Secretary shall submit to the Congress a written report which assesses the extent to which the programs established under this subsection address social isolation and loneliness among older adults and people with disabilities:~~

~~"(5) COORDINATION.— The Secretary shall coordinate with resource centers, grant programs, or other funding mechanisms established under section 411(a)(18) of the Older Americans Act (42 U.S.C. 3032(a)(18)), section 417(a)(1) of such Act (42 U.S.C. 3032F(a)(1)), or other programs as determined by the Secretary:~~

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

~~"(1) AREA AGENCY ON AGING.— The term 'area agency on aging' means an area agency on aging designated under section 305 of the Older Americans Act of 1965:~~

~~"(2) SOCIAL ISOLATION.— The term 'social isolation' means objectively being alone, or having few relationships or infrequent social contact:~~

~~"(3) LONELINESS.— The term 'loneliness' means subjectively feeling alone, or the discrepancy between one's desired level of social connection and one's actual level of social connection:~~

~~"(4) SOCIAL CONNECTION.— The term 'social connection' means the variety of ways one can connect to others socially, through physical, behavioral, social-cognitive, and emotional channels:~~

~~"(5) COMMUNITY-BASED ORGANIZATION.— The term 'community-based organization' includes, except as otherwise provided by the Secretary, a nonprofit community-based organization, a consortium of nonprofit community-based organizations, a national nonprofit organization acting as an intermediary for a community-based organization, or a community-based organization that has a fiscal sponsor that allows the organization to function as an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of such Code."~~

~~(e) TECHNICAL AMENDMENT.— Section 2011(12)(A) of the Social Security Act (42 U.S.C. 1397j(12)(A)) is amended by striking "450b" and inserting "5304":~~

(l)

**Sec. 134202. Appropriation for assessments**



~~Out of any money in the Treasury not otherwise appropriated, there are appropriated to the Secretary of Health and Human Services \$5,000,000 for each of fiscal years 2022 through 2025 to prepare and submit to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate, not later than 3 years after the date of enactment of this Act, and at least once after fiscal year 2025, reports on the programs, coordinating bodies, registries, and activities established or authorized under subtitle B of title XX of the Social Security Act (42 U.S.C. 1397l et seq.) or section 6703(b) of the Patient Protection and Affordable Care Act (42 U.S.C. 1395i-3a), which shall assess the extent to which such programs, coordinating bodies, registries, and activities have improved access to, and the quality of, resources available to aging Americans and their caregivers to ultimately prevent, detect, and treat abuse, neglect, and exploitation, and shall include, as appropriate, recommendations to Congress on funding levels and policy changes to help these programs, coordinating bodies, registries, and activities better prevent, detect, and treat abuse, neglect, and exploitation of aging Americans.~~

### Part 3—Skilled nursing facilities

#### **Sec. 134301. Funding to improve the accuracy and reliability of certain skilled nursing facility data**

~~Section 1888 of the Social Security Act (42 U.S.C. 1395yy) is amended—~~

~~(1) in subsection (h)(12)—~~

~~(A) in subparagraph (A), by striking "and the data submitted under subsection (e)(6)" and inserting ", the data submitted under subsection (e)(6), and, during the period beginning with fiscal year 2024 and ending with fiscal year 2031, the resident assessment data described in section 1819(b)(3) and the direct care staffing information described in section 11281(g)"; and~~

~~(B) in subparagraph (B)—~~

~~(i) by striking "Funding.—For purposes" and inserting  
Funding.—~~

~~"(i) FISCAL YEARS 2023 THROUGH 2025.—For purposes"; and~~

~~(ii) by adding at the end the following new clause:~~

~~"(ii) FISCAL YEARS 2026 THROUGH 2031.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$50,000,000 for the period of fiscal years 2026 through 2031 for purposes of carrying out this paragraph."; and~~

~~(2) in subsection (e)(6)(A)—~~

~~(A) in the header, by striking "for failure to report"; and~~

~~(B) in clause (i)—~~

~~(i) by striking "For fiscal years" and inserting the following:~~

~~"(i) FAILURE TO REPORT.—For fiscal years"; and~~

(ii) by adding at the end the following new subclause:

~~"(II) REPORTING OF INACCURATE INFORMATION.— For fiscal years during the period beginning with fiscal year 2025 and ending with fiscal year 2031, in the case of a skilled nursing facility that submits data under this paragraph, measures under subsection (h), resident assessment data described in section 1819(b)(3), or direct care staffing information described in section 1128f(g) with respect to such fiscal year that is inaccurate (as determined by the Secretary through the validation process described in section 1888(h)(12) or otherwise), after determining the percentage described in paragraph (5)(B)(i), and after application of clauses (ii) and (iii) of paragraph (5)(B) and of subclause (I) of this clause (if applicable), the Secretary shall reduce such percentage for payment rates during such fiscal year by 2 percentage points."~~

#### **Sec. 134302. Ensuring accurate information on cost reports**

Section 1888(f) of the Social Security Act (42 U.S.C. 1395yy(f)) is amended by adding at the end the following new paragraph:

~~"(5) AUDIT OF COST REPORTS.— There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$250,000,000 for fiscal year 2023 to remain available until expended, for purposes of conducting an annual audit (beginning with 2022 and ending with 2031) of cost reports submitted under this title for a representative sample of skilled nursing facilities."~~

#### **Sec. 134303. Survey improvements**

Section 1819 of the Social Security Act (42 U.S.C. 1395i-3) is amended by adding at the end the following new subsection:

~~"(I) SURVEY IMPROVEMENTS.—~~

~~"(1) IN GENERAL.— There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$325,000,000, for the period of fiscal years 2022 through 2031, for purposes of—~~

~~"(A) conducting reviews and identifying plans under paragraph (2); and~~

~~"(B) providing training, tools, technical assistance, and financial support in accordance with paragraph (3);~~

~~"(2) REVIEW.— The Secretary shall conduct reviews, during the period specified in paragraph (1), of (and, as appropriate, identify plans to improve) the following:~~

~~"(A) The extent to which surveys conducted under subsection (g) and the enforcement process under subsection (h) result in increased compliance with requirements under this section and subpart B of part 483 of title 42, Code of~~

~~Federal Regulations, with respect to skilled nursing facilities (in this subsection referred to as 'facilities').~~

~~"(B) The timeliness and thoroughness of State agency verification of deficiency corrections at facilities.~~

~~"(C) The appropriateness of the scoping and substantiation of cited deficiencies at facilities.~~

~~"(D) The accuracy of the identification and appropriateness of the scoping of life safety, infection control, and emergency preparedness deficiencies at facilities.~~

~~"(E) The timeliness of State agency investigations of—~~

~~"(i) complaints at facilities; and~~

~~"(ii) reported allegations of abuse, neglect, and exploitation at facilities.~~

~~"(F) The consistency of facility reporting of substantiated complaints to law enforcement.~~

~~"(G) The ability of the State agency to sufficiently hire, train, and retain individuals who conduct surveys.~~

~~"(H) Any other area related to surveys of facilities, or the individuals conducting such surveys, determined appropriate by the Secretary.~~

~~"(3) SUPPORT.— Based on the review under paragraph (2), the Secretary shall, during the period specified in paragraph (1), provide training, tools, technical assistance, and financial support to State agencies that perform surveys of facilities for the purpose of improving the surveys conducted under subsection (g) and the enforcement process under subsection (h) with respect to the areas reviewed under paragraph (2)."~~

#### **Sec. 134304. Nurse staffing requirements**

~~Section 1819(d) of the Social Security Act (42 U.S.C. 1395i-3(d)) is amended—~~

~~(1) in paragraph (4)(A), by inserting "and any regulations promulgated under paragraph (5)(C)" after "section 1124"; and~~

~~(2) by adding at the end the following new paragraph:~~

~~"(5) NURSE STAFFING REQUIREMENTS.—~~

~~"(A) FUNDING.— There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, \$50,000,000 for the period of fiscal years 2022 through 2031 for purposes of carrying out this paragraph.~~

~~"(B) STUDY.— Not later than 3 years after the date of the enactment of this paragraph, and not less frequently than once every 5 years thereafter, the Secretary shall, out of funds appropriated under subparagraph (A), conduct a study and submit to Congress a report on the appropriateness of establishing minimum staff to resident ratios for nursing staff for skilled nursing facilities. Each such report shall include—~~

~~"(i) with respect to the first such report, recommendations regarding appropriate minimum ratios of registered nurses (and, if practicable, licensed practical nurses (or licensed vocational nurses) and certified nursing assistants) to residents at such skilled nursing facilities; and~~

~~"(ii) with respect to each subsequent such report, recommendations regarding appropriate minimum ratios of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at such skilled nursing facilities.~~

~~"(C) PROMULGATION OF REGULATIONS.—~~

~~"(i) IN GENERAL.— Not later than 2 years after the Secretary first submits a report under subparagraph (B), the Secretary shall, out of funds appropriated under subparagraph (A)—~~

~~"(I) specify through regulations, consistent with such report, appropriate minimum ratios (if any) of registered nurses (and, if practicable, licensed practical nurses (or licensed vocational nurses) and certified nursing assistants) to residents at skilled nursing facilities; and~~

~~"(II) except as provided in clause (ii), require such skilled nursing facilities to comply with such ratios.~~

~~"(ii) EXCEPTION.—~~

~~"(I) IN GENERAL.— In addition to the authority to waive the application of clause (i)(II) under section 1135, the Secretary may waive the application of such clause with respect to a skilled nursing facility if the Secretary finds that—~~

~~"(aa) the facility is located in a rural area and the supply of skilled nursing facility services in such area is not sufficient to meet the needs of individuals residing therein;~~

~~"(bb) the Secretary provides notice of the waiver to the State long-term care ombudsman (established under section 307(a)(12) of the Older Americans Act of 1965) and the protection and advocacy system in the State for the mentally ill; and~~

~~"(cc) the facility that is granted such a waiver notifies residents of the facility (or, where appropriate, the guardians or legal representatives of such residents) and members of their immediate families of the waiver.~~

~~"(II) RENEWAL.— Any waiver in effect under this clause shall be subject to annual renewal.~~

~~"(iii) UPDATE.— Not later than 2 years after the submission of each subsequent report under subparagraph (B), the Secretary shall, out of funds appropriated under subparagraph (A) and consistent with such~~

~~report, update the regulations described in clause (i)(1) to reflect appropriate minimum ratios (if any) of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at skilled nursing facilities."~~

~~Part 4—Medicare dental, hearing, and vision coverage~~

~~Sec. 134401. Providing coverage for dental and oral health care under the Medicare program~~

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

- ~~(1) in subparagraph (GG), by striking "and" after the semicolon at the end;~~
- ~~(2) in subparagraph (HH), by striking the period at the end and adding "; and"; and~~
- ~~(3) by adding at the end the following new subparagraph:~~

~~"(H) dental and oral health services (as defined in subsection (III));"~~

~~(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—~~

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

~~"(III) DENTAL AND ORAL HEALTH SERVICES.—~~

~~"(1) IN GENERAL.—The term 'dental and oral health services' means items and services (other than such items and services for which payment may be made under part A as inpatient hospital services) that are furnished during 2028 or a subsequent year, for which coverage was not provided under part B as of the date of the enactment of this subsection, and that are—~~

~~"(A) the preventive and screening services described in paragraph (2) furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in paragraph (4)); or~~

~~"(B) the basic treatments specified for such year by the Secretary pursuant to paragraph (3)(A) and the major treatments specified for such year by the Secretary pursuant to paragraph (3)(B) furnished by such a doctor or such a professional.~~

~~"(2) PREVENTIVE AND SCREENING SERVICES.—The preventive and screening services described in this paragraph are the following:~~

~~"(A) Oral exams.~~

~~"(B) Dental cleanings.~~

~~"(C) Dental x-rays performed in the office of a doctor or professional described in paragraph (1)(A).~~

~~"(D) Fluoride treatments.~~

~~"(3) BASIC AND MAJOR TREATMENTS.—For 2028 and each subsequent year, the Secretary shall specify— (1)~~

~~"(A) basic treatments (which may include basic tooth restorations, basic periodontal services, tooth extractions, and oral disease management services); and~~

~~"(B) major treatments (which may include major tooth restorations, major periodontal services, bridges, crowns, and root canals);~~

~~that shall be included as dental and oral health services for such year.~~

~~"(4) ORAL HEALTH PROFESSIONAL.—The term 'oral health professional' means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which such services are furnished."~~

~~(c) PAYMENT, COINSURANCE, AND LIMITATIONS.—~~

~~(1) IN GENERAL.—Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395(a)(1)) is amended—~~

~~(A) in subparagraph (N), by inserting "and dental and oral health services (as defined in section 1861(III))" after "section 1861(hhh)(1)";~~

~~(B) by striking "and" before "(DD)"; and~~

~~(C) by inserting before the semicolon at the end the following: "and (EE) with respect to dental and oral health services (as defined in section 1861(III)), the amount paid shall be the payment amount specified under section 1834(z)".~~

~~(2) PAYMENT AND LIMITS SPECIFIED.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:~~

~~"(z) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.—~~

~~"(1) IN GENERAL.—The payment amount under this part for dental and oral health services (as defined in section 1861(III)) shall be, subject to paragraph (3), the applicable percent (specified in paragraph (2)) of the lesser of—~~

~~"(A) the actual charge for the service; or~~

~~"(B) the amount determined under the payment basis determined under section 1848 for the service, or, in lieu of such amount, if determined appropriate by the Secretary, an amount specified by the Secretary for such service under a fee schedule determined appropriate by the Secretary, taking into account fee schedules for such services—~~

~~"(i) under the TRICARE program under chapter 55 of title 10 of the United States Code;~~

~~"(ii) under the health insurance program under chapter 89 of title 5 of such Code;~~

~~"(iii) under State plans (or waivers of such plans) under title XIX;~~

~~"(iv) under Medicare Advantage plans under part C;~~

~~"(v) established by the Secretary of Veterans Affairs; and~~

~~"(vi) established by other health care payers.~~

~~"(2) APPLICABLE PERCENT.— For purposes of paragraph (1), the applicable percent specified in this paragraph is, with respect to dental and oral health services (as defined in section 1861(III)) furnished in a year—~~

~~"(A) that are preventive and screening services described in paragraph (2) or basic treatments specified for such year pursuant to paragraph (3)(A) of such section, 80 percent; and~~

~~"(B) that are major treatments specified for such year pursuant to paragraph (3)(B) of such section—~~

~~"(i) in the case such services are furnished during 2028, 10 percent;~~

~~"(ii) in the case such services are furnished during 2029 or a subsequent year before 2032, the applicable percent specified under this subparagraph for the previous year, increased by 10 percentage points; and~~

~~"(iii) in the case such services are furnished during 2032 or a subsequent year, 50 percent.~~

~~"(3) LIMITATIONS.— With respect to dental and oral health services that are—~~

~~"(A) preventive and screening oral exams, payment may be made under this part for not more than two such exams during a 12-month period;~~

~~"(B) dental cleanings, payment may be made under this part for not more than two such cleanings during a 12-month period; and~~

~~"(C) not described in subparagraph (A) or (B), payment may be made under this part only at such frequencies and under such circumstances determined appropriate by the Secretary.~~

~~"(4) USE OF BUNDLED PAYMENTS.— The Secretary may make payment for dentures and associated professional services, and for any other dental and oral health services, as bundled payments as the Secretary determines appropriate.~~

~~"(5) LIMITATION ON JUDICIAL REVIEW.— There shall be no administrative or judicial review under section 1869 or otherwise of—~~

~~"(A) the determination of payment amounts under this subsection for dental and oral health services and under subsection (h)(6) or subsection (z)(4) for dentures;~~

~~"(B) the determination of what services are basic and major services under subparagraphs (A) and (B) of section 1861(III)(3); or~~

~~"(C) the determination of the frequency and circumstance limitations for dental and oral health services under paragraph (3)(C)."~~

~~(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—~~

~~(1) IN GENERAL.— Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting "(2)(II)," before "(3)".~~

~~(2) EXCLUSION FROM MIPS.— Section 1848(q)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(q)(1)(C)(ii)) is amended—~~

~~(A) in subclause (II), by striking "or" at the end;~~

(B) in subclause (III), by striking the period at the end and inserting "; or"; and  
 (C) by adding at the end the following new subclause:

"(IV) with respect to 2028 and each subsequent year, is a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)) or is an oral health professional (as defined in section 1861(III)(4))."

~~(3) INCLUSION OF ORAL HEALTH PROFESSIONALS AS CERTAIN PRACTITIONERS.—~~  
 Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:

"(vii) With respect to 2028 and each subsequent year, an oral health professional (as defined in section 1861(III)(4))."

~~(e) DENTURES.—~~

~~(1) IN GENERAL.—~~ Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended—

(A) by striking "(other than dental)"; and

(B) by inserting "and excluding dental, except for a full or partial set of dentures (as described in section 1834(h)(6)) furnished on or after January 1, 2028" after "colostomy care".

~~(2) SPECIAL PAYMENT RULES.—~~

~~(A) LIMITATIONS.—~~

Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:

~~"(G) SPECIAL PAYMENT RULE FOR DENTURES.—~~ Payment may be made under this part with respect to an individual for dentures—

~~"(A) not more than once during any 5-year period (except in the case that a doctor described in section 1861(III)(1)(A) determines such dentures do not fit the individual); and~~

~~"(B) only to the extent that such dentures are furnished pursuant to a written order of such a doctor or professional."~~

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

~~(i) IN GENERAL.—~~ Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—

~~(I) in the subparagraph heading, by inserting ", dentures" after "orthotics";~~

~~(II) by inserting ", of dentures described in paragraph (2)(D) of such section," after "2011,"; and~~

~~(III) in clause (i), by inserting ", such dentures" after "orthotics".~~

~~(ii) CONFORMING AMENDMENT.—~~

Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w-3(a)(2)) is amended by adding at the end the following new subparagraph:



~~"(D) DENTURES.—Dentures described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h)."~~

~~(iii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—~~

~~Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w-3(a)(7)) is amended by adding at the end the following new subparagraph:~~

~~"(C) CERTAIN DENTURES.—Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service."~~

~~(f) EXCLUSION MODIFICATIONS.—Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—~~

~~(1) in paragraph (1)—~~

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

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

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

~~"(Q) in the case of dental and oral health services (as defined in section 1861(III)) that are preventive and screening services described in paragraph (2) of such section, which are furnished more frequently than provided under section 1834(z)(3) or under circumstances other than circumstances determined appropriate under subparagraph (C) of such section;" and~~

~~(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment may be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II) and for dentures under section 1861(s)(8)";~~

~~(g) CERTAIN NON-APPLICATION.—~~

~~(1) IN GENERAL.—Paragraphs (1) and (4) of section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) are amended by adding at the end of each such paragraphs the following: "In applying this paragraph there shall not be taken into account benefits and administrative costs attributable to the amendments made by section 134401 (other than subsection (g)) of An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14 and the Government contribution under section 1844(a)(5)";~~

~~(2) PAYMENT.—Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—~~

~~(A) in paragraph (4), by striking the period at the end and inserting "; plus";~~

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

~~"(5) a Government contribution equal to the amount that is estimated to be payable for benefits and related administrative costs incurred that are attributable to the amendments made by section 134401 (other than subsection (g)) of the An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14;" and~~

~~(I)~~

~~(C) in the flush matter at the end, by striking "paragraph (4)" and inserting "paragraphs (4) and (5)".~~

~~(h) IMPLEMENTATION.—~~

~~(1) FUNDING.—~~

~~(A) IN GENERAL.—In addition to amounts otherwise available, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of—~~

~~(i) \$20,000,000 for each of fiscal years 2022 through 2028 for purposes of implementing the amendments made by this section; and~~

~~(ii) such sums as determined appropriate by the Secretary for each subsequent fiscal year for purposes of administering the provisions of such amendments.~~

~~(B) AVAILABILITY AND ADDITIONAL USE OF FUNDS.—Funds transferred pursuant to subparagraph (A) shall remain available until expended and may be used, in addition to the purpose specified in subparagraph (A)(i), to implement the amendments made by sections 134402 and 134403.~~

~~(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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. 134402. 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 134401(e)(2)(A), is further amended by adding at the end the following new paragraph:~~

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

~~"(A) IN GENERAL.—(P)ayment 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 134401(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 134401(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 134401(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 134401(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 1864(l)(4)(B))."~~

~~(e) 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 1864(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 134401(g)(1), is amended by striking "section 134401 (other than subsection (g))" and inserting "sections 134401 (other than subsection (g)), 134402 (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 134401(g)(2), is amended by striking "section 134401 (other than subsection (g))" and inserting "sections 134401 (other than subsection (g)), 134402 (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 134401 and 134403.~~

~~(2) ADMINISTRATION.— Notwithstanding any other provision of law, 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. 134403. 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 134401(a), is further amended—~~

~~(1) in subparagraph (HH), 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 134401(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 134401(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 134401(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 134402(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 134401(c)(2)(A) and section 134402(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 a physician described in section 1861(l)(3); 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. 1335m(h)(1)(H)), as amended by section 134401(e)(2)(B)(i) and section 134402(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 134401(e)(2)(B)(ii) and section 134402(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 134401(e)(2)(B)(iii) and section 134402(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 134401(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 134401(g)(1) and amended by section 134402(d)(1), is further amended by inserting ", and 134403 (other than subsection (h))" after "134402 (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 134401(g)(2) and amended by section 134402(d)(2), is further amended by inserting ", and 134403 (other than subsection (h))" after "134402 (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 134401 and 134402.~~

~~(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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. 134401. Providing coverage for dental and oral health care under the Medicare program~~**

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

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

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

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

~~"(H) dental and oral health services (as defined in subsection (I));"~~

~~(b) DENTAL AND ORAL HEALTH SERVICES DEFINED.—~~

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



~~"(III) DENTAL AND ORAL HEALTH SERVICES.—~~

~~"(1) IN GENERAL.— The term 'dental and oral health services' means items and services (other than such items and services for which payment may be made under part A as inpatient hospital services) that are furnished during 2028 or a subsequent year, for which coverage was not provided under part B as of the date of the enactment of this subsection, and that are—~~

~~"(A) the preventive and screening services described in paragraph (2) furnished by a doctor of dental surgery or of dental medicine (as described in subsection (r)(2)) or an oral health professional (as defined in paragraph (4)); or~~

~~"(B) the basic treatments specified for such year by the Secretary pursuant to paragraph (3)(A) and the major treatments specified for such year by the Secretary pursuant to paragraph (3)(B) furnished by such a doctor or such a professional.~~

~~"(2) PREVENTIVE AND SCREENING SERVICES.— The preventive and screening services described in this paragraph are the following:~~

~~"(A) Oral exams.~~

~~"(B) Dental cleanings.~~

~~"(C) Dental x-rays performed in the office of a doctor or professional described in paragraph (1)(A).~~

~~"(D) Fluoride treatments.~~

~~"(3) BASIC AND MAJOR TREATMENTS.— For 2028 and each subsequent year, the Secretary shall specify—~~

~~"(A) basic treatments (which may include basic tooth restorations, basic periodontal services, tooth extractions, and oral disease management services); and~~

~~"(B) major treatments (which may include major tooth restorations, major periodontal services, bridges, crowns, and root canals);~~

~~that shall be included as dental and oral health services for such year.~~

~~"(4) ORAL HEALTH PROFESSIONAL.— The term 'oral health professional' means, with respect to dental and oral health services, a health professional (other than a doctor of dental surgery or of dental medicine (as described in subsection (r)(2))) who is licensed to furnish such services, acting within the scope of such license, by the State in which such services are furnished."~~

~~(c) PAYMENT; COINSURANCE; AND LIMITATIONS.—~~

~~(1) IN GENERAL.— Section 1833(a)(1) of the Social Security Act (42 U.S.C. 1395l(a)(1)) is amended—~~

~~(A) in subparagraph (N), by inserting "and dental and oral health services (as defined in section 1861(III))" after "section 1861(hhh)(1)";~~

~~(B) by striking "and" before "(DD)"; and~~

~~(C) by inserting before the semicolon at the end the following: "and (EE) with respect to dental and oral health services (as defined in section 1861(III)), the amount paid shall be the payment amount specified under section 1834(z)".~~

~~(2) PAYMENT AND LIMITS SPECIFIED.—~~ Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

~~“(Z) PAYMENT AND LIMITS FOR DENTAL AND ORAL HEALTH SERVICES.—~~

~~“(1) IN GENERAL.—~~ The payment amount under this part for dental and oral health services (as defined in section 1861(III)) shall be, subject to paragraph (3), the applicable percent (specified in paragraph (2)) of the lesser of—

~~“(A) the actual charge for the service; or~~

~~“(B) the amount determined under the payment basis determined under section 1848 for the service, or, in lieu of such amount, if determined appropriate by the Secretary, an amount specified by the Secretary for such service under a fee schedule determined appropriate by the Secretary, taking into account fee schedules for such services—~~

~~“(i) under the TRICARE program under chapter 55 of title 10 of the United States Code;~~

~~“(ii) under the health insurance program under chapter 89 of title 5 of such Code;~~

~~“(iii) under State plans (or waivers of such plans) under title XIX;~~

~~“(iv) under Medicare Advantage plans under part C;~~

~~“(v) established by the Secretary of Veterans Affairs; and~~

~~“(vi) established by other health care payers.~~

~~“(2) APPLICABLE PERCENT.—~~ For purposes of paragraph (1), the applicable percent specified in this paragraph is, with respect to dental and oral health services (as defined in section 1861(III)) furnished in a year—

~~“(A) that are preventive and screening services described in paragraph (2) or basic treatments specified for such year pursuant to paragraph (3)(A) of such section, 80 percent; and~~

~~“(B) that are major treatments specified for such year pursuant to paragraph (3)(B) of such section—~~

~~“(i) in the case such services are furnished during 2028, 10 percent;~~

~~“(ii) in the case such services are furnished during 2029 or a subsequent year before 2032, the applicable percent specified under this subparagraph for the previous year, increased by 10 percentage points; and~~

~~“(iii) in the case such services are furnished during 2032 or a subsequent year, 50 percent.~~

~~“(3) LIMITATIONS.—~~ With respect to dental and oral health services that are—

~~“(A) preventive and screening oral exams, payment may be made under this part for not more than two such exams during a 12-month period;~~

~~“(B) dental cleanings, payment may be made under this part for not more than two such cleanings during a 12-month period; and~~

~~"(C) not described in subparagraph (A) or (B), payment may be made under this part only at such frequencies and under such circumstances determined appropriate by the Secretary.~~

~~"(4) USE OF BUNDLED PAYMENTS.— The Secretary may make payment for dentures and associated professional services, and for any other dental and oral health services, as bundled payments as the Secretary determines appropriate.~~

~~"(5) LIMITATION ON JUDICIAL REVIEW.— There shall be no administrative or judicial review under section 1869 or otherwise of—~~

~~"(A) the determination of payment amounts under this subsection for dental and oral health services and under subsection (h)(6) or subsection (z)(4) for dentures;~~

~~"(B) the determination of what services are basic and major services under subparagraphs (A) and (B) of section 1861(III)(3); or~~

~~"(C) the determination of the frequency and circumstance limitations for dental and oral health services under paragraph (3)(C)."~~

~~(d) PAYMENT UNDER PHYSICIAN FEE SCHEDULE.—~~

~~(1) IN GENERAL.— Section 1848(j)(3) of the Social Security Act (42 U.S.C. 1395w-4(j)(3)) is amended by inserting "(2)(II)," before "(3)".~~

~~(2) EXCLUSION FROM MIPS.— Section 1848(q)(1)(C)(ii) of the Social Security Act (42 U.S.C. 1395w-4(q)(1)(C)(ii)) is amended—~~

~~(A) in subclause (II), by striking "or" at the end;~~

~~(B) in subclause (III), by striking the period at the end and inserting "; or"; and~~

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

~~"(IV) with respect to 2028 and each subsequent year, is a doctor of dental surgery or of dental medicine (as described in section 1861(r)(2)) or is an oral health professional (as defined in section 1861(III)(4))."~~

~~(3) INCLUSION OF ORAL HEALTH PROFESSIONALS AS CERTAIN PRACTITIONERS.— Section 1842(b)(18)(C) of the Social Security Act (42 U.S.C. 1395u(b)(18)(C)) is amended by adding at the end the following new clause:~~

~~"(vii) With respect to 2028 and each subsequent year, an oral health professional (as defined in section 1861(III)(4))."~~

~~(e) DENTURES.—~~

~~(1) IN GENERAL.— Section 1861(s)(8) of the Social Security Act (42 U.S.C. 1395x(s)(8)) is amended—~~

~~(A) by striking "(other than dental)"; and~~

~~(B) by inserting "and excluding dental, except for a full or partial set of dentures (as described in section 1834(h)(6)) furnished on or after January 1, 2028" after "colostomy care".~~

~~(2) SPECIAL PAYMENT RULES. <sup>(1)</sup>~~

~~(A) LIMITATIONS.—~~

~~Section 1834(h) of the Social Security Act (42 U.S.C. 1395m(h)) is amended by adding at the end the following new paragraph:~~

~~"(6) SPECIAL PAYMENT RULE FOR DENTURES.— Payment may be made under this part with respect to an individual for dentures—~~

~~"(A) not more than once during any 5-year period (except in the case that a doctor described in section 1861(III)(1)(A) determines such dentures do not fit the individual); and~~

~~"(B) only to the extent that such dentures are furnished pursuant to a written order of such a doctor or professional."~~

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

~~(i) IN GENERAL.— Section 1834(h)(1)(H) of the Social Security Act (42 U.S.C. 1395m(h)(1)(H)) is amended—~~

~~(I) in the subparagraph heading, by inserting ", dentures" after "orthotics";~~

~~(II) by inserting ", of dentures described in paragraph (2)(D) of such section," after "2011,"; and~~

~~(III) in clause (i), by inserting ", such dentures" after "orthotics".~~

~~(ii) CONFORMING AMENDMENT.—~~

~~Section 1847(a)(2) of the Social Security Act (42 U.S.C. 1395w-3(a)(2)) is amended by adding at the end the following new subparagraph:~~

~~"(D) DENTURES.— Dentures described in section 1861(s)(8) for which payment would otherwise be made under section 1834(h)."~~

~~(iii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—~~

~~Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w-3(a)(7)) is amended by adding at the end the following new subparagraph:~~

~~"(C) CERTAIN DENTURES.— Those items and services described in paragraph (2)(D) if furnished by a physician or other practitioner (as defined by the Secretary) to the physician's or practitioner's own patients as part of the physician's or practitioner's professional service."~~

~~(f) EXCLUSION MODIFICATIONS.— Section 1862(a) of the Social Security Act (42 U.S.C. 1395y(a)) is amended—~~

~~(1) in paragraph (1)—~~

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

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

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

~~"(Q) in the case of dental and oral health services (as defined in section 1861(III)) that are preventive and screening services described in paragraph (2) of such section, which are furnished more frequently than provided under~~

~~section 1834(z)(3) or under circumstances other than circumstances determined appropriate under subparagraph (C) of such section;" and~~

~~(2) in paragraph (12), by inserting before the semicolon at the end the following: "and except that payment may be made under part B for dental and oral health services that are covered under section 1861(s)(2)(II) and for dentures under section 1861(s)(8)";~~

~~(g) CERTAIN NON-APPLICATION.—~~

~~(1) IN GENERAL.— Paragraphs (1) and (4) of section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) are amended by adding at the end of each such paragraphs the following: "In applying this paragraph there shall not be taken into account benefits and administrative costs attributable to the amendments made by section 134401 (other than subsection (g)) of An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14 and the Government contribution under section 1844(a)(5)";~~

~~(2) PAYMENT.— Section 1844(a) of such Act (42 U.S.C. 1395w(a)) is amended—~~

~~(A) in paragraph (4), by striking the period at the end and inserting "; plus";~~

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

~~"(5) a Government contribution equal to the amount that is estimated to be payable for benefits and related administrative costs incurred that are attributable to the amendments made by section 134401 (other than subsection (g)) of the An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14."; and~~

~~(C) in the flush matter at the end, by striking "paragraph (4)" and inserting "paragraphs (4) and (5)";~~

~~(h) IMPLEMENTATION.—~~

~~(1) FUNDING.—~~

~~(A) IN GENERAL.— In addition to amounts otherwise available, the Secretary of Health and Human Services (in this subsection referred to as the "Secretary") shall provide for the transfer from the Federal Supplementary Medical Insurance Trust Fund under section 1841 of the Social Security Act (42 U.S.C. 1395t) to the Centers for Medicare & Medicaid Services Program Management Account of—~~

~~(i) \$20,000,000 for each of fiscal years 2022 through 2028 for purposes of implementing the amendments made by this section; and~~

~~(ii) such sums as determined appropriate by the Secretary for each subsequent fiscal year for purposes of administering the provisions of such amendments.~~

~~(B) AVAILABILITY AND ADDITIONAL USE OF FUNDS.— Funds transferred pursuant to subparagraph (A) shall remain available until expended and may be used, in addition to the purpose specified in subparagraph (A)(i), to implement the amendments made by sections 134402 and 134403.~~

~~(2) ADMINISTRATION.— Notwithstanding any other provision of law, 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. 134402. 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 134401(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(II)(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 134401(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 134401(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 134401(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 134401(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))."~~

~~(e) 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 134401(g)(1), is amended by striking "section 134401 (other than subsection (g))" and inserting "sections 134401 (other than subsection (g)), 134402 (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 134401(g)(2), is amended by striking "section 134401 (other than subsection (g))" and inserting "sections 134401 (other than subsection (g)), 134402 (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.~~

~~(E) 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 134401 and 134403.~~

~~(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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. 134403. 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 134401(a), is further amended—~~

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

~~(2) in subparagraph (H), 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 134401(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 134401(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 134401(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 134402(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 134401(e)(2)(A) and section 134402(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 a physician described in section 1861(III); 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. 1395m(h)(1)(H)), as amended by section 134401(e)(2)(B)(i) and section 134402(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 134401(e)(2)(B)(ii) and section 134402(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 134401(e)(2)(B)(iii) and section 134402(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 134401(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 134401(g)(1) and amended by section 134402(d)(1), is further amended by inserting ", and 134403 (other than subsection (h))" after "134402 (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 134401(g)(2) and amended by section 134402(d)(2), is further amended by inserting ", and 134403 (other than subsection (h))" after "134402 (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 134401 and 134402.~~

~~(2) ADMINISTRATION.—Notwithstanding any other provision of law, 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.~~

\* **Subtitle F—Infrastructure financing and community development**

**Sec. 135001. Amendment of 1986 Code**

Except as otherwise expressly provided, whenever in this subtitle an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of the Internal Revenue Code of 1986.

**Part 1—Infrastructure financing**

**Subpart A—Bond financing**

**Sec. 135101. Credit to issuer for certain infrastructure bonds**

~~"(a) IN GENERAL.—~~

Subchapter B of chapter 65 is amended by inserting before section 6432 the following new section:

**"Sec. 6431A. Credit allowed to issuer for qualified infrastructure bonds**

~~"(a) IN GENERAL.—In the case of a qualified infrastructure bond, the issuer of such bond shall be allowed a credit with respect to each interest payment under such bond which shall be payable by the Secretary as provided in subsection (b).~~

~~"(b) PAYMENT OF CREDIT.—~~

~~"(1) IN GENERAL.—The Secretary shall pay (contemporaneously with each date on which interest is paid, including any interest paid after the originally scheduled payment date) to the issuer of such bond (or, at the direction of the issuer, to any person who makes such interest payments on behalf of such issuer) an amount equal to the applicable percentage of such interest so paid.~~

~~"(2) APPLICABLE PERCENTAGE.—For purposes of this subsection, except as provided in subsection (d), the applicable percentage with respect to any bond shall be determined under the following table:~~

~~"In the case of a bond issued during calendar year:~~

**The applicable percentage**

<del>2022 through 2024</del>	<b>is:</b>
<del>2025</del>	35%
<del>2026</del>	32%
<del>2027 and thereafter</del>	30%
	28%

~~"(3) LIMITATION.—~~

~~"(A) IN GENERAL.—The amount of any interest payment taken into account under paragraph (1) with respect to a bond for any payment date shall not exceed the amount of interest which would have been payable under such bond for such payment date if interest were determined at the applicable credit rate multiplied by the applicable amount for such bond for such payment date.~~

~~"(B) APPLICABLE CREDIT RATE.—For purposes of subparagraph (A)—~~

~~"(i) IN GENERAL.—The applicable credit rate is the rate which the Secretary estimates will permit the issuance of qualified infrastructure bonds with a specified maturity or redemption date without discount and without additional interest cost to the issuer.~~

~~"(ii) DATE OF DETERMINATION.—The applicable credit rate with respect to any qualified infrastructure bond shall be determined as of the first day on which there is a binding, written contract for the sale or exchange of the bond.~~

~~"(C) APPLICABLE AMOUNT.—~~

~~"(i) BONDS WITH MORE THAN DE MINIMIS ORIGINAL ISSUE DISCOUNT.—In the case of any bond that has more than a de minimis amount of original issue discount (determined under the rules of section 1273(a)(3)), the applicable amount for a payment date is the issue price of such bond (within the meaning of section 148), as adjusted for any principal payments made prior to such date.~~

~~"(ii) OTHER BONDS.—In the case of any other bond, the applicable amount for a payment date is the outstanding principal amount of such bond on such payment date (determined without taking into account any principal payment on such bond on such date).~~

~~"(c) QUALIFIED INFRASTRUCTURE BOND.—~~

~~"(1) IN GENERAL.—For purposes of this section, the term 'qualified infrastructure bond' means any bond (other than a private activity bond) issued as part of an issue if~~

~~"(A) 100 percent of the excess of available project proceeds of such issue over the amounts in a reasonably required reserve (within the meaning of section 153(a)(3)) with respect to such issue are to be used for—~~

~~"(i) capital expenditures or operations and maintenance expenditures in connection with property the acquisition, construction, or improvement of which would be a capital expenditure, or~~

~~"(ii) payments made by a State or political subdivision of a State to a custodian of a rail corridor for purposes of the transfer, lease, sale, or acquisition of an established railroad right-of-way consistent with section 8(d) of the National Trails Act of 1968, but only if the Surface Transportation Board has issued a certificate of interim trail use or notice of interim trail use for purposes of authorizing such transfer, lease, sale, or acquisition;~~

~~"(B) the interest on such bond would (but for this section) be excludable from gross income under section 103;~~

~~"(C) the issue price has not more than a de minimis amount (determined under rules similar to the rules of section 1273(a)(3)) of premium over the stated principal amount of the bond, and~~

~~"(D) prior to the issuance of such bond, the issuer makes an irrevocable election to have this section apply.~~

~~"(2) APPLICABLE RULES.— For purposes of applying paragraph (1) —~~

~~"(A) NOT TREATED AS FEDERALLY GUARANTEED.— For purposes of section 149(b), a qualified infrastructure bond shall not be treated as federally guaranteed by reason of the credit allowed under this section.~~

~~"(B) APPLICATION OF ARBITRAGE RULES.— For purposes of section 148, the yield on a qualified infrastructure bond shall be reduced by the credit allowed under this section, except that no such reduction shall apply in determining the amount of gross proceeds of an issue that qualifies as a reasonably required reserve or replacement fund.~~

~~"(d) DEFINITION AND SPECIAL RULES.— For purposes of this section —~~

~~"(1) INTEREST INCLUDIBLE IN GROSS INCOME.— For purposes of this title, interest on any qualified infrastructure bond shall be includible in gross income.~~

~~"(2) AVAILABLE PROJECT PROCEEDS.— The term 'available project proceeds' means —~~

~~"(A) the excess of —~~

~~"(i) the proceeds from the sale of an issue, over~~

~~"(ii) issuance costs financed by the issue (to the extent that such costs do not exceed 2 percent of such proceeds); and~~

~~"(B) the proceeds from any investment of the excess described in subparagraph (A).~~

~~"(3) CURRENT REFUNDINGS ALLOWED.—~~

~~"(A) IN GENERAL.— In the case of a bond issued to refund a qualified infrastructure bond, such (refunding) bond shall not be treated as a qualified infrastructure bond for purposes of this section unless —~~

~~"(i) the average maturity date of the issue of which the refunding bond is a part is not later than the average maturity date of the bonds to be refunded by such issue;~~

~~"(ii) the amount of the refunding bond does not exceed the outstanding amount of the refunded bond;~~

~~"(iii) the refunded bond is redeemed not later than 90 days after the date of the issuance of the refunding bond; and~~

~~"(iv) the refunded bond was issued more than 30 days after the date of the enactment of this section.~~

~~"(B) APPLICABLE PERCENTAGE LIMITATION.— The applicable percentage with respect to any bond to which subparagraph (A) applies shall be 28 percent.~~

~~"(C) DETERMINATION OF AVERAGE MATURITY.— For purposes of subparagraph (A)(i), average maturity shall be determined in accordance with section 147(b)(2) (A).~~

~~"(4) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO QUALIFIED INFRASTRUCTURE BONDS.— Subchapter IV of chapter 31 of title 40, United States Code, shall apply to projects financed with the proceeds of qualified infrastructure bonds.~~

~~"(e) REGULATIONS.— The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section."~~

~~(b) GROSS-UP OF PAYMENT TO ISSUERS IN CASE OF SEQUESTRATION.— In the case of any payment under section 6431A of the Internal Revenue Code of 1986 made after the date of the enactment of this Act to which sequestration applies, the amount of such payment shall be increased to an amount equal to—~~

~~(1) such payment (determined before such sequestration), multiplied by~~

~~(2) the quotient obtained by dividing 1 by the amount by which 1 exceeds the percentage reduction in such payment pursuant to such sequestration.~~

~~For purposes of this subsection, the term "sequestration" means any reduction in direct spending ordered in accordance with a sequestration report prepared by the Director of the Office and Management and Budget pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010.~~

~~(c) CONFORMING AMENDMENTS.—~~

~~(1) Section 1324(b)(2) of title 31, United States Code, is amended by striking "or 6431" and inserting "6431, or 6431A".~~

~~(2) The table of sections for subchapter B of chapter 65 is amended by inserting before the item relating to section 6432 the following new item:~~

~~"Sec. 6431A. Credit allowed to issuer for qualified infrastructure bonds."~~

~~(d) EFFECTIVE DATE.— The amendments made by this section shall apply to bonds issued after December 31, 2021.~~

**Sec. 135102. Advance refunding bonds**

(a) ~~IN GENERAL.—Section 149(d) is amended—~~

~~(1) by striking "to advance refund another bond." in paragraph (1) and inserting "as part of an issue described in paragraph (2), (3), or (4).";~~

~~(2) by redesignating paragraphs (2) and (3) as paragraphs (5) and (7), respectively;~~

~~(3) by inserting after paragraph (1) the following new paragraphs:~~

~~"(2) CERTAIN PRIVATE ACTIVITY BONDS.—An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund a private activity bond (other than a qualified 501(c)(3) bond);~~

~~"(3) OTHER BONDS.—~~

~~"(A) IN GENERAL.—An issue is described in this paragraph if any bond (issued as part of such issue), hereinafter in this paragraph referred to as the 'refunding bond', is issued to advance refund a bond unless—~~

~~"(i) the refunding bond is only—~~

~~"(I) the first advance refunding of the original bond if the original bond is issued after 1985, or~~

~~"(II) the first or second advance refunding of the original bond if the original bond was issued before 1986;~~

~~"(ii) in the case of refunded bonds issued before 1986, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed at par or at a premium of 3 percent or less;~~

~~"(iii) in the case of refunded bonds issued after 1985, the refunded bond is redeemed not later than the earliest date on which such bond may be redeemed;~~

~~"(iv) the initial temporary period under section 148(e) ends—~~

~~"(I) with respect to the proceeds of the refunding bond not later than 30 days after the date of issue of such bond, and~~

~~"(II) with respect to the proceeds of the refunded bond on the date of issue of the refunding bond, and~~

~~"(v) in the case of refunded bonds to which section 148(e) did not apply, on and after the date of issue of the refunding bond, the amount of proceeds of the refunded bond invested in higher yielding investments (as defined in section 148(b)) which are nonpurpose investments (as defined in section 148(f)(6)(A)) does not exceed—~~

~~"(I) the amount so invested as part of a reasonably required reserve or replacement fund or during an allowable temporary period; and~~

~~"(II) the amount which is equal to the lesser of 5 percent of the proceeds of the <sup>(I)</sup> issue of which the refunded bond is a part or \$100,000 (to the extent such amount is allocable to the refunded bond);~~



~~"(B) SPECIAL RULES FOR REDEMPTIONS.—~~

~~"(i) ISSUER MUST REDEEM ONLY IF DEBT SERVICE SAVINGS.— Clause (ii) and (iii) of subparagraph (A) shall apply only if the issuer may realize present value debt service savings (determined without regard to administrative expenses) in connection with the issue of which the refunding bond is a part.~~

~~"(ii) REDEMPTIONS NOT REQUIRED BEFORE 90TH DAY.— For purposes of clauses (ii) and (iii) of subparagraph (A), the earliest date referred to in such clauses shall not be earlier than the 90th day after the date of issuance of the refunding bond.~~

~~"(4) ABUSIVE TRANSACTIONS PROHIBITED.— An issue is described in this paragraph if any bond (issued as part of such issue) is issued to advance refund another bond and a device is employed in connection with the issuance of such issue to obtain a material financial advantage (based on arbitrage) apart from savings attributable to lower interest rates." and~~

~~(4) by inserting after paragraph (5) (as so redesignated) the following new paragraph:~~

~~"(6) SPECIAL RULES FOR PURPOSES OF PARAGRAPH (3).— For purposes of paragraph (3), bonds issued before October 22, 1986, shall be taken into account under subparagraph (A)(i) thereof except—~~

~~"(A) a refunding which occurred before 1986 shall be treated as an advance refunding only if the refunding bond was issued more than 180 days before the redemption of the refunded bond, and~~

~~"(B) a bond issued before 1986, shall be treated as advance refunded no more than once before March 15, 1986."~~

~~(b) CONFORMING AMENDMENT.—~~

~~Section 148(f)(4)(C) is amended by redesignating clauses (xiv) through (xvi) as clauses (xv) to (xvii), respectively, and by inserting after clause (xiii) the following new clause:~~

~~"(xiv) DETERMINATION OF INITIAL TEMPORARY PERIOD.— For purposes of this subparagraph, the end of the initial section temporary period shall be determined without regard to section 149(d)(3)(A)(iv)."~~

~~(e) EFFECTIVE DATE.— The amendments made by this section shall apply to advance refunding bonds issued more than 30 days after the date of the enactment of this Act.~~

**Sec. 135103. Permanent modification of small issuer exception to tax-exempt interest expense allocation rules for financial institutions**

~~(a) PERMANENT INCREASE IN LIMITATION.— Subparagraphs (C)(i), (D)(i), and (D)(iii)(II) of section 265(b)(3) are each amended by striking "\$10,000,000" and inserting "\$30,000,000".~~

~~(b) PERMANENT MODIFICATION OF OTHER SPECIAL RULES.— Section 265(b)(3) is amended~~

~~(1) by redesignating clauses (iv), (v), and (vi) of subparagraph (C) as clauses (ii), (iii), and (iv), respectively, and moving such clauses to the end of subparagraph (H) (as added~~

by paragraph (2)), and

(2) by striking so much of subparagraph (G) as precedes such clauses and inserting the following:

~~"(G) QUALIFIED 501(c)(3) BONDS TREATED AS ISSUED BY EXEMPT ORGANIZATION.— In the case of a qualified 501(c)(3) bond (as defined in section 145), this paragraph shall be applied by treating the 501(c)(3) organization for whose benefit such bond was issued as the issuer.~~

~~"(H) SPECIAL RULE FOR QUALIFIED FINANCINGS.—~~

~~"(i) IN GENERAL.— In the case of a qualified financing issue—~~

~~"(i) subparagraph (F) shall not apply, and~~

~~"(ii) any obligation issued as a part of such issue shall be treated as a qualified tax-exempt obligation if the requirements of this paragraph are met with respect to each qualified portion of the issue (determined by treating each qualified portion as a separate issue which is issued by the qualified borrower with respect to which such portion relates)."~~

~~(e) INFLATION ADJUSTMENT.—~~

~~Section 265(b)(3), as amended by subsection (b), is amended by adding at the end the following new subparagraph:~~

~~"(I) INFLATION ADJUSTMENT.— In the case of any calendar year after 2021, the \$30,000,000 amounts contained in subparagraphs (G)(i), (D)(i), and (D)(iii)(II) shall each be increased by an amount equal to—~~

~~"(i) such dollar amount, multiplied by~~

~~"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.~~

~~Any increase determined under the preceding sentence shall be rounded to the nearest multiple of \$100,000."~~

~~(d) EFFECTIVE DATE.— The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.~~

#### **Sec. 135104. Modifications to qualified small issue bonds**

~~(a) MANUFACTURING FACILITIES TO INCLUDE PRODUCTION OF INTANGIBLE PROPERTY AND FUNCTIONALLY RELATED FACILITIES.—~~

~~Subparagraph (C) of section 144(a)(12) is amended to read as follows:~~

~~"(C) MANUFACTURING FACILITY.— For purposes of this paragraph—~~

~~"(i) IN GENERAL.— The term 'manufacturing facility' means any facility which—~~

~~"(I) is used in the manufacturing or production of tangible personal property (including the processing resulting in a change in the condition of such property);~~

~~"(II) is used in the <sup>(1)</sup>creation or production of intangible property which is described in section 197(d)(1)(C)(iii), or~~

~~"(III) is functionally related and subordinate to a facility described in subclause (I) or (II) if such facility is located on the same site as the facility described in subclause (I) or (II).~~

~~"(ii) CERTAIN FACILITIES INCLUDED.— The term 'manufacturing facility' includes facilities that are directly related and ancillary to a manufacturing facility (determined without regard to this clause) if—~~

~~"(I) these facilities are located on the same site as the manufacturing facility; and~~

~~"(II) not more than 25 percent of the net proceeds of the issue are used to provide those facilities.~~

~~"(iii) LIMITATION ON OFFICE SPACE.— A rule similar to the rule of section 142(b)(2) shall apply for purposes of clause (i).~~

~~"(iv) LIMITATION ON REFUNDINGS FOR CERTAIN PROPERTY.— Subclauses (II) and (III) of clause (i) shall not apply to any bond issued on or before the date of the enactment of the Act to provide for reconciliation pursuant to title II of S. Con. Res. 14, or to any bond issued to refund a bond issued on or before such date (other than a bond to which clause (iii) of this subparagraph (as in effect before the date of the enactment of such Act) applies), either directly or in a series of refundings."~~

~~(b) INCREASE IN LIMITATIONS.— Section 144(a)(4) is amended—~~

~~(1) in subparagraph (A)(i), by striking "\$10,000,000" and inserting "\$30,000,000"; and~~

~~(2) in the heading, by striking "\$10,000,000" and inserting "\$30,000,000".~~

~~(c) ADJUSTMENT FOR INFLATION.—~~

~~Section 144(a)(4) is amended by adding at the end the following new subparagraph:~~

~~"(H) ADJUSTMENT FOR INFLATION.— In the case of any calendar year after 2021, the \$30,000,000 amount in subparagraph (A) shall be increased by an amount equal to—~~

~~"(i) such dollar amount, multiplied by~~

~~"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2020' for 'calendar year 2016' in subparagraph (A)(ii) thereof.~~

~~If any amount as increased under the preceding sentence is not a multiple of \$100,000, such amount shall be rounded to the nearest multiple of \$100,000."~~

~~(d) EFFECTIVE DATE.— The amendments made by this section shall apply to obligations issued after the date of the enactment of this Act.~~

**Sec. 135105. Expansion of certain exceptions to the private activity bond rules for first-time farmers**

~~(a) INCREASE IN DOLLAR LIMITATION.—~~

~~(1) IN GENERAL.— Section 147(c)(2)(A) is amended by striking "\$450,000" and inserting "\$552,500".~~

~~(2) REPEAL OF SEPARATE LOWER DOLLAR LIMITATION ON USED FARM EQUIPMENT.—~~  
 Section 147(e)(2) is amended by striking subparagraph (F) and by redesignating subparagraphs (G) and (H) as subparagraphs (F) and (G), respectively.

~~(3) QUALIFIED SMALL ISSUE BOND LIMITATION CONFORMED TO INCREASED DOLLAR LIMITATION.—~~ Section 144(a)(11)(A) is amended by striking "\$250,000" and inserting "\$552,500".

~~(4) INFLATION ADJUSTMENT.—~~

~~(A) IN GENERAL.—~~ Section 147(e)(2)(G), as redesignated by paragraph (2), is amended—

(i) by striking "after 2008, the dollar amount in subparagraph (A) shall be increased" and inserting "after 2021, the dollar amounts in subparagraph (A) and section 144(a)(11)(A) shall each be increased", and

(ii) in clause (ii), by striking "2007" and inserting "2020".

~~(B) CROSS-REFERENCE.—~~

Section 144(a)(11) is amended by adding at the end the following new subparagraph:

~~"(D) INFLATION ADJUSTMENT.—~~ For inflation adjustment of dollar amount contained in subparagraph (A), see section 147(e)(2)(G)."

~~(b) SUBSTANTIAL FARMLAND DETERMINED ON BASIS OF AVERAGE RATHER THAN MEDIAN FARM SIZE.—~~ Section 147(e)(2)(E) is amended by striking "median" and inserting "average".

~~(c) EFFECTIVE DATE.—~~ The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

**~~Sec. 135106. Certain water and sewage facility bonds exempt from volume cap on private activity bonds~~**

~~(a) IN GENERAL.—~~

Section 146(g) is amended by striking "and" at the end of paragraph (3), striking the period at the end of paragraph (4) and inserting ", and", and inserting after paragraph (4) the following new paragraph:

~~"(5) any exempt facility bond issued as part of an issue described in paragraph (4) or (5) of section 142(a) if 95 percent or more of the net proceeds of such issue are to be used to provide facilities which—~~

~~"(A) will be used—~~

~~"(i) by a person who was, as of July 1, 2020, engaged in operation of a facility described in such paragraph, and~~

~~"(ii) to provide service within the area served by such person on such date (or within a county or city any portion of which is within such area), or~~

~~"(B) will be used by a successor in interest to such person for the same use and within the same service area (as described in subparagraph (A))."~~

(b) EFFECTIVE DATE.— The amendments made by this section shall apply to bonds issued after the date of the enactment of this Act.

**Sec. 135107. Exempt facility bonds for zero-emission vehicle infrastructure**

(a) IN GENERAL.— Section 142 is amended—

(1) in subsection (a)—

(A) in paragraph (14), by striking "or" at the end,

(B) in paragraph (15), by striking the period at the end and inserting ", or", and

(C) by adding at the end the following new paragraph:

"(16) zero-emission vehicle infrastructure.", and

(2) by adding at the end the following new subsection:

"(n) ZERO-EMISSION VEHICLE INFRASTRUCTURE.—

"(1) IN GENERAL.— For purposes of subsection (a)(16), the term 'zero-emission vehicle infrastructure' means any property (not including a building and its structural components) if such property is part of a unit which—

"(A) is used to charge or fuel zero-emissions vehicles;

"(B) is located where the vehicles are charged or fueled;

"(C) is of a character subject to the allowance for depreciation (or amortization in lieu of depreciation);

"(D) is made available for use by members of the general public;

"(E) accepts payment via a credit card reader, including a credit card reader that uses contactless technology; and

"(F) is capable of charging or fueling vehicles produced by more than one manufacturer (within the meaning of section 30D(d)(3)).

"(2) INCLUSION OF UTILITY SERVICE CONNECTIONS, ETC.— The term 'zero-emission vehicle infrastructure' shall include any utility service connections, utility panel upgrades, line extensions and conduit, transformer upgrades, or similar property, in connection with property meeting the requirements of paragraph (1).

"(3) ZERO-EMISSIONS VEHICLE.— The term 'zero-emissions vehicle' means—

"(A) a zero-emission vehicle as defined in section 88.102-94 of title 40, Code of Federal Regulations; or

"(B) a vehicle that produces zero exhaust emissions of any criteria pollutant (or precursor pollutant) or greenhouse gas under any possible operational modes and conditions.

"(4) ZERO-EMISSIONS VEHICLE INFRASTRUCTURE LOCATED WITHIN OTHER FACILITIES OR PROJECTS.— For purposes of subsection (a), any zero-emission vehicle infrastructure located within—

"(A) a facility or project described in subsection (a); or

"(B) an area adjacent to a facility or project described in subsection (a) that primarily serves vehicles traveling to or from such facility or project;

~~shall be treated as described in the paragraph in which such facility or project is described:~~

~~"(5) EXCEPTION FOR REFUELING PROPERTY FOR FLEET VEHICLES.— Subparagraphs (D), (E), and (F) of paragraph (1) shall not apply to property which is part of a unit which is used exclusively by fleets of commercial or governmental vehicles."~~

~~(b) EFFECTIVE DATE.— The amendments made by this section shall apply to obligations issued after December 31, 2021.~~

~~**Sec. 135108. Application of Davis-Bacon Act requirements with respect to certain exempt facility bonds**~~

~~(a) IN GENERAL.—~~

~~Section 142(b) is amended by adding at the end the following new paragraph:~~

~~"(3) APPLICATION OF DAVIS-BACON ACT REQUIREMENTS WITH RESPECT TO CERTAIN EXEMPT FACILITY BONDS.— If any proceeds of any issue are used for construction, alteration, or repair of any facility otherwise described in paragraph (4), (5), (15), or (16) of subsection (a), such facility shall be treated for purposes of subsection (a) as described in such paragraph only if each entity that receives such proceeds to conduct such construction, alteration, or repair agrees to comply with the provisions of subchapter IV of chapter 31 of title 40, United States Code with respect to such construction, alteration, or repair."~~

~~(b) EFFECTIVE DATE.— The amendment made by this section shall apply to bonds issued after the date of the enactment of this Act.~~

~~**Subpart B— Other provisions related to infrastructure financing**~~

~~**Sec. 135111. Credit for operations and maintenance costs of government-owned broadband**~~

~~(a) IN GENERAL.—~~

~~Subchapter B of chapter 65, as amended by the preceding provisions of this Act, is amended by inserting before section 6432 the following new section:~~

~~**"Sec. 6431B. Credit for operations and maintenance costs of government-owned broadband**~~

~~"(a) IN GENERAL.— In the case of any eligible governmental entity, there shall be allowed a credit equal to the applicable percentage of the qualified broadband expenses paid or incurred by such entity during the taxable year which credit shall be payable by the Secretary as provided in subsection (b):~~

~~"(b) PAYMENT OF CREDIT.— Upon receipt from an eligible governmental entity of such information as the Secretary may require for purposes of carrying out this section, the Secretary shall pay to such entity the amount of the credit determined under subsection (a) for the taxable year.~~

(1)

~~"(c) LIMITATION.—The amount of qualified broadband expenses taken into account under this section for any taxable year with respect to any qualified broadband network shall not exceed the product of \$400 multiplied by the number of qualified households subscribed to the qualified broadband service provided by such network (determined as of any time during such taxable year).~~

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

~~"(1) APPLICABLE PERCENTAGE.—The term 'applicable percentage' means—~~

~~"(A) in the case of any taxable year beginning in 2021 through 2026, 30 percent,~~

~~"(B) in the case of any taxable year beginning in 2027, 26 percent, and~~

~~"(C) in the case of any taxable year beginning in 2028, 24 percent.~~

~~"(2) ELIGIBLE GOVERNMENTAL ENTITY.—The term 'eligible governmental entity' means—~~

~~"(A) any State, local, or Indian tribal government,~~

~~"(B) any political subdivision or instrumentality of any government described in subparagraph (A), and~~

~~"(C) any entity wholly owned by one or more entities described in subparagraph (A) or (B).~~

~~For purposes of this paragraph, the term 'State' includes any possession of the United States.~~

~~"(3) QUALIFIED BROADBAND EXPENSES.—The term 'qualified broadband expenses' means so much of the amounts paid or incurred for the operation and maintenance of a qualified broadband network as are properly allocable to qualified households subscribed to the qualified broadband service provided by such network.~~

~~"(4) QUALIFIED HOUSEHOLD.—The term 'qualified household' means a personal residence which—~~

~~"(A) is located in a low-income community (as defined in section 45D(e)), and~~

~~"(B) did not have access to qualified broadband service from the eligible governmental entity (determined as of the beginning of the taxable year of such entity).~~

~~"(5) QUALIFIED BROADBAND NETWORK.—The term 'qualified broadband network' means property owned by an eligible governmental entity and used for the purpose of providing qualified broadband service.~~

~~"(6) QUALIFIED BROADBAND SERVICE.—The term 'qualified broadband service' means fixed, terrestrial broadband service providing downloads at a speed of at least 25 megabits per second and uploads at a speed of at least 3 megabits per second.~~

~~"(7) TAXABLE YEAR.—Except as otherwise provided by the Secretary, the term 'taxable year' means, with respect to any eligible governmental entity, the fiscal year of such entity.~~

~~"(c) SPECIAL RULES.— (l)~~

~~"(1) ALLOCATIONS.—For purposes of subsection (d)(3), amounts shall be treated as properly allocated if allocated ratably among the subscribers of the qualified broadband service.~~

~~"(2) DENIAL OF DOUBLE BENEFIT.—Qualified broadband expenses shall not include any amount which is paid or reimbursed (directly or indirectly) by any grant from the Federal Government.~~

~~"(f) REGULATIONS.—The Secretary may prescribe such regulations and other guidance as may be necessary or appropriate to carry out this section.~~

~~"(g) TERMINATION.—No credit shall be allowed under this section for any taxable year beginning after December 31, 2028."~~

~~(b) PAYMENTS MADE UNDER SECTION 6431B(b) OF INTERNAL REVENUE CODE OF 1986.—Section 255(h) of the Balanced Budget and Emergency Deficit Control Act of 1985 (2 U.S.C. 905(h)) is amended by inserting: "Payments made under section 6431B(b) of the Internal Revenue Code of 1986" after the item related to Payments for Foster Care and Permanency.~~

~~(c) CONFORMING AMENDMENTS.—~~

~~(1) Section 1324(b)(2) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by striking "or 6431A" and inserting "6431A, or 6431B".~~

~~(2) The table of sections for subchapter B of chapter 65, as amended by the preceding provisions of this Act, is amended by inserting before the item relating to section 6432 the following new item:~~

~~"Sec. 6431B. Credit for operations and maintenance costs of government-owned broadband."~~

~~(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.~~

## Part 2—New Markets Tax Credit

### **Sec. 135201. Permanent extension of new markets tax credit**

~~(a) TEMPORARY LIMIT INCREASE AND PERMANENT EXTENSION.—~~

~~Section 45D(f)(1) is amended by striking "and" at the end of subparagraph (G) and by striking subparagraph (H) and inserting the following new subparagraphs:~~

~~"(H) \$5,000,000,000 for each of calendar years 2020 and 2021,~~

~~"(I) \$7,000,000,000 for calendar year 2022,~~

~~"(J) \$6,000,000,000 for calendar year 2023, and~~

~~"(K) \$5,000,000,000 for calendar year 2024 and each calendar year thereafter."~~

~~(b) ALTERNATIVE MINIMUM TAX RELIEF.—Section 38(e)(4)(B) is amended—~~

~~(1) by redesignating clauses (v) through (xii) as clauses (vi) through (xiii), respectively, and~~

~~(i)~~

~~(2) by inserting after clause (iv) the following new clause:~~



~~"(v) the credit determined under section 45D, but only with respect to credits determined with respect to qualified equity investments (as defined in section 45D(b)) initially made after December 31, 2021,".~~

~~(c) INFLATION ADJUSTMENT.—~~

~~Section 45D(f) is amended by adding at the end the following new paragraph:~~

~~"(4) INFLATION ADJUSTMENT.—~~

~~"(A) IN GENERAL.— In the case of any calendar year beginning after 2024, the dollar amount paragraph (1)(H) shall be increased by an amount equal to—~~

~~"(i) such dollar amount, multiplied by~~

~~"(ii) the cost-of-living adjustment determined under section 1(f)(3) for the calendar year, determined by substituting 'calendar year 2023' for 'calendar year 2016' in subparagraph (A)(ii) thereof.~~

~~"(B) ROUNDING RULE.— Any increase under subparagraph (A) which is not a multiple of \$1,000,000 shall be rounded to the nearest multiple of \$1,000,000."~~

~~(d) CONFORMING AMENDMENT.— Section 45D(f)(3) is amended by striking the last sentence.~~

~~(e) EFFECTIVE DATES.—~~

~~(1) IN GENERAL.— Except as otherwise provided in this subsection, the amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after 2021.~~

~~(2) ALTERNATIVE MINIMUM TAX RELIEF.— The amendments made by subsection (b) shall apply to credits determined with respect to qualified equity investments (as defined in section 45D(b) of the Internal Revenue Code of 1986) initially made after December 31, 2021.~~

**Part 3—Rehabilitation tax credit**

**Sec. 135301. Determination of credit percentage**

~~(a) IN GENERAL.— Section 47(a)(2) is amended by striking "20 percent" and inserting "the applicable percentage".~~

~~(b) APPLICABLE PERCENTAGE.—~~

~~Section 47(a) is amended by adding at the end the following new paragraph:~~

~~"(3) APPLICABLE PERCENTAGE.— For purposes of this subsection, the term 'applicable percentage' means the percentage determined in accordance with the following table:~~

<del>"In the case of taxable years beginning:</del>	<del>The applicable percentage is:</del>
<del>Before 2020</del>	<del>20 percent</del>
<del>In 2020 through 2025 (1)</del>	<del>30 percent</del>
<del>In 2026</del>	<del>26 percent</del>

"In the case of taxable years beginning:	The applicable percentage is:
In 2027	23 percent
After 2027	20 percent".

~~"(4) APPLICATION OF PERCENTAGES TO YEAR OF EXPENDITURE.— In the case of qualified rehabilitation expenditures with respect to the qualified rehabilitated building that are paid or incurred in 2 or more taxable years for which there is a different applicable percentage under paragraph (3), the ratable share shall be determined by applying to such expenditures the applicable percentage corresponding to the taxable year in which such expenditures were paid or incurred."~~

~~(d) EFFECTIVE DATE.— The amendments made by this section shall apply to property placed in service after March 31, 2021.~~

#### **Sec. 135302. Increase in the rehabilitation credit for certain small projects**

~~(a) IN GENERAL.—~~

Section 47 is amended by adding at the end the following new subsection:

~~"(e) SPECIAL RULE REGARDING CERTAIN SMALLER PROJECTS.—~~

~~"(1) IN GENERAL.— In the case of any smaller project—~~

~~"(A) the applicable percentage determined under subsection (a)(3) shall be 30 percent, and~~

~~"(B) the qualified rehabilitation expenditures taken into account under this section with respect to such project shall not exceed \$2,500,000.~~

~~"(2) SMALLER PROJECT.— For purposes of this subsection, the term 'smaller project' means the rehabilitation of any qualified rehabilitated building if—~~

~~"(A) the qualified rehabilitation expenditures taken into account under this section (or which would be so taken into account but for paragraph (1)(B)) with respect to such rehabilitation do not exceed \$3,750,000;~~

~~"(B) no credit was allowed under this section with respect to such building to any taxpayer for either of the 2 taxable years immediately preceding the first taxable year in which expenditures described in subparagraph (A) were paid or incurred, and~~

~~"(C) the taxpayer elects (at such time and manner as the Secretary may provide) to have this subsection apply with respect to such rehabilitation."~~

~~(b) EFFECTIVE DATE.— The amendment made by this section shall apply to taxable years beginning after December 31, 2021.~~

#### **Sec. 135303. Modification of definition of substantially rehabilitated**

~~(a) IN GENERAL.— Section 47(c)(1)(B)(i)(I) is amended by inserting "50 percent of" before "the adjusted basis".~~

~~(b) EFFECTIVE DATE.— The amendment made by subsection (a) shall apply to determinations with respect to 24-month periods (referred to in clause (i) of section 47(c)(1)(B)~~

of the Internal Revenue Code of 1986) and 60-month periods (referred to in clause (ii) of such section) which end after December 31, 2021.

**Sec. 135304. Elimination of rehabilitation credit basis adjustment**

(a) IN GENERAL.—

Section 50(e) is amended by adding at the end the following new paragraph:

"(6) EXCEPTION FOR REHABILITATION CREDIT.— In the case of the rehabilitation credit, paragraph (1) shall not apply."

(b) TREATMENT IN CASE OF CREDIT ALLOWED TO LESSEE.— Section 50(d) is amended by adding at the end the following: "In the case of the rehabilitation credit, paragraph (5)(B) of the section 48(d) referred to in paragraph (5) of this subsection shall not apply."

(c) EFFECTIVE DATE.— The amendments made by this section shall apply to property placed in service after December 31, 2022.

**Sec. 135305. Modifications regarding certain tax-exempt use property**

(a) IN GENERAL.—

Section 47(c)(2)(B)(v) is amended by adding at the end the following new subclause:

"(III) DISQUALIFIED LEASE RULES TO APPLY ONLY IN CASE OF GOVERNMENT ENTITY.— For purposes of subclause (I), except in the case of a tax-exempt entity described in section 168(h)(2)(A)(i) (determined without regard to the last sentence of section 168(h)(2)(A)), the determination of whether property is tax-exempt use property shall be made under section 168(h) without regard to whether the property is leased in a disqualified lease (as defined in section 168(h)(1)(B)(ii))."

(b) EFFECTIVE DATE.— The amendments made by this section shall apply to leases entered into after December 31, 2021.

**Sec. 135306. Qualification of rehabilitation expenditures for public school buildings for rehabilitation credit**

(a) IN GENERAL.—

Section 47(c)(2)(B)(v), as amended by the preceding provisions of this Act, is amended by adding at the end the following new subclause:

"(IV) CLAUSE NOT TO APPLY TO PUBLIC SCHOOLS.— This clause shall not apply in the case of the rehabilitation of any building which was used as a qualified public educational facility (as defined in section 142(k)(1), determined without regard to subparagraph (B) thereof) at any time during the 5-year period ending on the date that such rehabilitation begins and which is used as such a facility immediately after such rehabilitation."

(b) REPORT.— Not later than the date which is 5 years after the date of the enactment of this Act, the Secretary of the Treasury, after consultation with the heads of appropriate Federal agencies, shall report to Congress on the effects resulting from the amendment made by subsection (a), including—

(1)

(1) the number of qualified public education facilities rehabilitated (stated separately with respect to each State) and the number of students using such facilities (stated

separately with respect to each such State);

(2) the number of qualified public education facilities rehabilitated in low income communities (as section 45D(e)(1) of the Internal Revenue Code of 1986) and the number of students using such facilities;

(3) the amount of qualified rehabilitation expenditures for each qualified public education facility rehabilitated; and

(4) and any other data determined by the Secretary to be useful in evaluating the impact of such amendment.

(e) ~~EFFECTIVE DATE.~~—The amendment made by this section shall apply to property placed in service after December 31, 2021.

#### Part 4—Disaster and resiliency

##### **Sec. 135401. Exclusion of amounts received from state-based catastrophe loss mitigation programs**

(a) ~~IN GENERAL.~~—

Section 139 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

"(h) ~~STATE-BASED CATASTROPHE LOSS MITIGATION PROGRAMS.~~—

"(1) ~~IN GENERAL.~~—Gross income shall not include any amount received by an individual as a qualified catastrophe mitigation payment under a program established by a State, or a political subdivision or instrumentality thereof, for the purpose of making such payments.

"(2) ~~QUALIFIED CATASTROPHE MITIGATION PAYMENT.~~—For purposes of this section, the term 'qualified catastrophe mitigation payment' means any amount which is received by an individual to make improvements to such individual's residence for the sole purpose of reducing the damage that would be done to such residence by a windstorm, earthquake, or wildfire.

"(3) ~~NO INCREASE IN BASIS.~~—Rules similar to the rules of subsection (g)(3) shall apply in the case of this subsection."

(b) ~~CONFORMING AMENDMENTS.~~—

(1) Section 139(d) is amended by striking "and qualified" and inserting ", qualified catastrophe mitigation payments, and qualified".

(2) Section 139(i) (as redesignated by subsection (a)) is amended by striking "or qualified" and inserting ", qualified catastrophe mitigation payment, or qualified".

(c) ~~EFFECTIVE DATE.~~—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

##### **Sec. 135402. Repeal of temporary limitation on personal casualty losses**

(1) ~~IN GENERAL.~~—Section 165(h)(3) is amended by striking paragraph (5).

~~(b) EXTENSION OF PERIOD OF LIMITATION ON FILING CLAIM IN CERTAIN CIRCUMSTANCES.—~~  
~~In the case of a claim for credit or refund which is properly allocable to a loss which is—~~

~~(1) deductible under section 165(a) of the Internal Revenue Code of 1986;~~

~~(2) described in Revenue Procedure 2017-60 (as modified by Revenue Procedure 2018-14), and~~

~~(3) claimed for a taxable year beginning after December 31, 2016;~~

~~the period of limitation prescribed in section 6511 of the Internal Revenue Code of 1986 for the filing of such claim shall be treated as not expiring earlier than the date that is 1 year after the date of the enactment of this Act.~~

~~(c) EFFECTIVE DATE.—~~ The amendment made by subsection (a) shall apply to losses incurred in taxable years beginning after December 31, 2017.

~~(d) REGULATIONS.—~~ The Secretary of the Treasury (or the Secretary's delegate) shall issue such regulations or other guidance as are necessary to implement the amendment made by this section, including regulations or guidance consistent with Revenue Procedure 2017-60 (as so modified):

### **Sec. 135403. Credit for qualified wildfire mitigation expenditures**

~~(a) IN GENERAL.—~~

~~Subpart B of part IV of subchapter A of chapter 1 is amended by inserting after section 27 the following new section:~~

#### **"Sec. 28. Qualified wildfire mitigation expenditures**

~~"(a) IN GENERAL.—~~ There shall be allowed as a credit against the tax imposed by this chapter for the taxable year an amount equal to 30 percent of the qualified wildfire mitigation expenditures paid or incurred by the taxpayer during such taxable year with respect to real property owned or leased by the taxpayer.

~~"(b) QUALIFIED WILDFIRE MITIGATION EXPENDITURES.—~~ For purposes of this section—

~~"(1) IN GENERAL.—~~ The term 'qualified wildfire mitigation expenditures' means any specified wildfire mitigation expenditure made pursuant to a qualified State wildfire mitigation program of a State which requires expenditures for wildfire mitigation to be paid both by the taxpayer and such State. Such term shall not include any item of expenditure unless the ratio of the State's expenditure for such item to the sum of the State's and taxpayer's expenditures for such item is not less than 25 percent.

~~"(2) SPECIFIED WILDFIRE MITIGATION EXPENDITURE.—~~ The term 'specified wildfire mitigation expenditure' means, with respect to any real property owned or leased by the taxpayer, any amount paid or incurred to reduce the risk of wildfire by removing accumulations of vegetation (including establishing, expanding, or maintaining fuel breaks to serve as fire breaks) on such real property.

~~"(3) QUALIFIED STATE WILDFIRE MITIGATION PROGRAM.—~~ The term 'qualified State wildfire mitigation program' means any program of a State the primary purpose of which is to mitigate the risk of wildfires in such State.

~~"(4) TREATMENT OF REIMBURSEMENTS.— Any amount originally paid or incurred by the taxpayer which is reimbursed by a State under a qualified wildfire mitigation program of such State shall be treated as paid by such State (and not by such taxpayer):~~

~~"(c) APPLICATION WITH OTHER CREDITS.—~~

~~"(1) BUSINESS CREDIT TREATED AS PART OF GENERAL BUSINESS CREDIT.— So much of the credit which would be allowed under subsection (a) for any taxable year (determined without regard to this subsection) that is attributable to expenditures made in the ordinary course of the taxpayer's trade or business (or, in the case of expenditures made by a State, would have been expenditures made in the ordinary course of the taxpayer's trade or business if made by the taxpayer) shall be treated as a credit listed in section 38(b) for taxable year (and not allowed under subsection (a)):~~

~~"(2) PERSONAL CREDIT.— For purposes of this title, the credit allowed under subsection (a) for any taxable year (determined after application of paragraph (1)) shall be treated as a credit allowable under subpart A for such taxable year:~~

~~"(d) REDUCTION OF CREDIT PERCENTAGE WHERE TAXPAYER EXPENDITURES LESS THAN 30 PERCENT.—~~

~~"(1) IN GENERAL.— If the expenditure percentage with respect to any item of qualified wildfire mitigation expenditure is less than 30 percent, subsection (a) shall be applied by substituting 'the expenditure percentage' for '30 percent' with respect to such item of expenditure:~~

~~"(2) EXPENDITURE PERCENTAGE.— For purposes of this section, the term 'expenditure percentage' means, with respect to any item of qualified wildfire mitigation expenditure any portion of which is paid or incurred by a State, the ratio (expressed as a percentage) of—~~

~~"(A) the taxpayer's expenditure for such item, divided by~~

~~"(B) the sum of the taxpayer's and such State's expenditures for such item:~~

~~"(e) SPECIAL RULES.—~~

~~"(1) TREATMENT OF EXPENDITURES RELATED TO MARKETABLE TIMBER.— An expenditure shall not be taken into account for purposes of this section (whether made by the taxpayer or a State pursuant to a qualified State wildfire mitigation program of such State) if such expenditure is properly allocable to timber which is sold or exchanged by the taxpayer. The preceding sentence shall not apply to the extent that such amount exceeds the gain on such sale or exchange:~~

~~"(2) BASIS REDUCTION.— For purposes of this subtitle, if the basis of any property would (but for this paragraph) be determined by taking into account any qualified wildfire mitigation expenditure, the basis of such property shall be reduced by the amount of the credit allowed under subsection (a) with respect to such expenditure (determined without regard to subsection (c)):~~

~~"(3) DENIAL OF DOUBLE BENEFIT.— The amount of any deduction or other credit allowable under this chapter for any expenditure for which a credit is allowable under~~

~~subsection (a) shall be reduced by the amount of credit allowed under such subsection for such expenditure (determined without regard to subsection (c))."~~

~~(b) CONFORMING AMENDMENTS.—~~

~~(1) Section 38(b), as amended by the preceding provisions of this Act, is amended by striking "plus" at the end of paragraph (33), by striking the period at the end of paragraph (34) and inserting ", plus", and by adding at the end the following new paragraph:~~

~~"(35) the portion of the qualified wildfire mitigation expenditures credit to which section 28(e)(1) applies."~~

~~(2) Section 1016(a) is amended by redesignating paragraphs (35) through (38) as paragraphs (36) through (39), respectively, and by inserting after paragraph (34) the following new paragraph:~~

~~"(35) to the extent provided in section 28(e)(2)."~~

~~(3) The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 27 the following new item:~~

~~"Sec. 28. Qualified wildfire mitigation expenditures."~~

~~(c) EFFECTIVE DATE.— The amendments made by this section shall apply to expenditures paid or incurred after the date of the enactment of this Act, in taxable years ending after such date.~~

~~Part 5—Housing~~

~~Subpart A—Low Income Housing Tax Credit~~

~~Sec. 135501. Increases in State allocations~~

~~(a) IN GENERAL.—~~

~~Section 42(h)(3)(I) is amended to read as follows:~~

~~"(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2022 THROUGH 2028.—~~

~~"(i) IN GENERAL.—~~

~~In the case of calendar years 2022 through 2028, the dollar amounts under subclauses (I) and (II) of subparagraph (C)(ii) for any such calendar shall be determined under clause (ii) and in accordance with the following table:~~

<del>"In the case of calendar year:</del>	<del>The subclause (I) amount shall be:</del>	<del>The subclause (II) amount shall be:</del>
<del>(I)</del>	<del>2022</del>	<del>\$3.22 \$3,711,575</del>

<del>"In the case of calendar year:</del>	The	The
	subclause (I)	subclause (II)
	amount shall be:	amount shall be:
2023	\$3.70	\$4,269,471
2024	\$4.25	\$4,901,620
2025	\$4.88	\$5,632,880

~~"(ii) INFLATION ADJUSTMENT FOR 2026, 2027, AND 2028.— In the case of calendar years 2026, 2027, and 2028, the subclause (I) and (II) dollar amounts shall be the respective dollar amounts corresponding to calendar year 2025 in the table under clause (i) each increased by an amount equal to—~~

~~"(I) such dollar amount, multiplied by~~

~~"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2025' for 'calendar year 2016' in paragraph (A)(ii) thereof.~~

~~Any increase under this clause shall be rounded to the nearest cent in the case of the subclause (I) amount and the nearest dollar in the case of the subclause (II) amount."~~

~~(b) EFFECTIVE DATE.— The amendments made by this section shall apply to calendar years beginning after December 31, 2021.~~

**Sec. 135502. Tax-exempt bond financing requirement**

~~(a) IN GENERAL.— Section 42(h)(4)(B) is amended by adding at the end the following: "The preceding sentence shall be applied by substituting '25 percent' for '50 percent' in the case of any building which is financed by any obligation issued in calendar year 2022, 2023, 2024, 2025, 2026, 2027, or 2028 (and not by any obligation on which the application of this subparagraph is based during any taxable year beginning during calendar year 2019, 2020, or 2021)."~~

~~(b) EFFECTIVE DATE.— The amendment made by this section shall apply to buildings placed in service in taxable years beginning after December 31, 2021.~~

**Sec. 135503. Buildings designated to serve extremely low-income households**

~~(a) RESERVED STATE ALLOCATION.—~~

~~(1) IN GENERAL.— Section 42(h) is amended—~~

~~(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively, and~~

~~(B) by inserting after paragraph (5) the following new paragraph:~~

~~"(6) PORTION OF STATE CEILING SET ASIDE FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—~~



~~"(A) IN GENERAL.— Not more than 90 percent of the portion of the State housing credit ceiling amount described in paragraph (3)(C)(ii) for any State for any calendar year shall be allocated to buildings other than buildings described in subparagraph (B).~~

~~"(B) BUILDINGS DESCRIBED.— A building is described in this subparagraph if 20 percent or more of the residential units in such building are rent-restricted (determined as if the imputed income limitation applicable to such units were 30 percent of area median gross income) and are designated by the taxpayer for occupancy by households the aggregate household income of which does not exceed the greater of—~~

~~"(i) 30 percent of area median gross income, or~~

~~"(ii) 100 percent of an amount equal to the Federal poverty line (within the meaning of section 36B(d)(3)).~~

~~"(C) STATE MAY NOT OVERRIDE SET-ASIDE.— Nothing in subparagraph (F) of paragraph (3) shall be construed to permit a State not to comply with subparagraph (A) of this paragraph.~~

~~"(D) TERMINATION.— This paragraph shall not apply to allocations after December 31, 2031."~~

~~(2) CONFORMING AMENDMENT.— Section 42(b)(4)(C) is amended by striking "(h)(7)" and inserting "(h)(8)".~~

~~(b) INCREASE IN CREDIT.—~~

~~Paragraph (5) of section 42(d) is amended by adding at the end the following new subparagraph:~~

~~"(C) INCREASE IN CREDIT FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—~~

~~"(i) IN GENERAL.— In the case of any building—~~

~~"(I) which is described in subsection (h)(6)(B), and~~

~~"(II) which is designated by the housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project;~~

~~subparagraph (B) shall not apply to the portion of such building which is comprised of such units, and the eligible basis of such portion of the building shall be 150 percent of such basis determined without regard to this subparagraph.~~

~~"(ii) ALLOCATION RULES APPLICABLE TO PROJECTS TO WHICH CLAUSE (I) APPLIES.—~~

~~"(I) STATE HOUSING CREDIT CEILING.— For any calendar year, the housing credit agency shall not allocate more than 15 percent of the portion of the State housing credit ceiling amount described in subsection (h)(3)(C)(ii) to buildings to which clause (i) applies, and~~

~~"(II) PRIVATE ACTIVITY BOND VOLUME CAP.—In the case of projects financed by tax-exempt bonds as described in subsection (h)(4), for any calendar year, the State shall not issue more than 10 percent of the private activity bond volume cap as described in section 146(d)(1) to buildings to which clause (i) applies.~~

~~"(iii) TERMINATION.—This subparagraph shall not apply to allocations after December 31, 2031."~~

~~(e) EFFECTIVE DATE.—The amendments made by this section shall apply to allocations and determinations of housing credit dollar amount after December 31, 2021.~~

#### **Sec. 135504. Inclusion of rural areas as difficult development areas**

~~(a) IN GENERAL.—Subclause (i) of section 42(d)(5)(B)(iii) is amended by inserting before the period the following: ", and any rural area".~~

~~(b) RURAL AREA.—~~

~~Clause (iii) of section 42(d)(5)(B) is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:~~

~~"(II) RURAL AREA.—For purposes of subclause (I), the term 'rural area' means any non-metropolitan area, or any rural area as defined by section 520 of the Housing Act of 1949, which is identified by the qualified allocation plan under subsection (m)(1)(B)."~~

~~(e) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2021.~~

#### **Sec. 135505. Repeal of qualified contract option**

~~(a) TERMINATION OF OPTION FOR CERTAIN BUILDINGS.—~~

~~(1) IN GENERAL.—Subclause (II) of section 42(h)(7)(E)(i), as redesignated by section 135503, is amended by inserting "in the case of a building described in clause (iii)," before "on the last day".~~

~~(2) BUILDINGS DESCRIBED.—Subparagraph (E) of section 42(h)(7), as so redesignated, is amended by adding at the end the following new clause:~~

~~"(iii) BUILDINGS DESCRIBED.—A building described in this clause is a building—  
    "(I) which received its allocation of housing credit dollar amount before January 1, 2022, or~~

~~"(II) in the case of a building any portion of which is financed as described in paragraph (4), which received before January 1, 2022, a determination from the issuer of the tax-exempt bonds or the housing credit agency that the building is eligible to receive an allocation of housing credit dollar amount under the rules of paragraphs (1) and (2) of subsection (m)."~~

~~(b) RULES RELATING TO EXISTING PROJECTS.—Subparagraph (F) of section 42(h)(7), as redesignated by section 135503, is amended by striking "the nonlow-income portion" and all that follows and inserting "the nonlow-income portion and the low-income portion of the building for fair market value (determined by the housing credit agency by taking into account~~

the rent restrictions required for the low-income portion of the building to continue to meet the standards of paragraphs (1) and (2) of subsection (g)). The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out this paragraph."

~~(c) CONFORMING AMENDMENTS.—~~

~~(1) Paragraph (7) of section 42(h), as redesignated by section 135503, is amended by striking subparagraph (G) and by redesignating subparagraphs (H), (I), (J), and (K) as subparagraphs (G), (H), (I), and (J), respectively.~~

~~(2) Subclause (H) of section 42(h)(7)(E)(i), as so redesignated and as amended by subsection (a), is further amended by striking "subparagraph (I)" and inserting "subparagraph (H)".~~

~~(d) EFFECTIVE DATE.—~~

~~(1) IN GENERAL.— Except as provided in paragraph (2), the amendments made by this section shall take effect on the date of the enactment of this Act.~~

~~(2) SUBSECTION (B).— The amendments made by subsection (b) shall apply to buildings with respect to which a written request described in section 42(h)(7)(H) of the Internal Revenue Code of 1986, as redesignated by section 135503 and subsection (c), is submitted after the date of the enactment of this Act.~~

**Sec. 135506. Modification and clarification of rights relating to building purchase**

~~(a) MODIFICATION OF RIGHT OF FIRST REFUSAL.—~~

~~(1) IN GENERAL.— Subparagraph (A) of section 42(i)(7) is amended by striking "a right of 1st refusal" and inserting "an option".~~

~~(2) CONFORMING AMENDMENT.— The heading of paragraph (7) of section 42(i) is amended by striking "right of 1st refusal" and inserting "option".~~

~~(b) CLARIFICATION WITH RESPECT TO RIGHT OF FIRST REFUSAL AND PURCHASE OPTIONS.—~~

~~(1) PURCHASE OF PARTNERSHIP INTEREST.— Subparagraph (A) of section 42(i)(7), as amended by subsection (a), is amended by striking "the property" and inserting "the property or all of the partnership interests (other than interests of the person exercising such option or a related party thereto (within the meaning of section 267(b) or 707(b)(1))) relating to the property".~~

~~(2) PROPERTY INCLUDES ASSETS RELATING TO THE BUILDING.— Paragraph (7) of section 42(i) is amended by adding at the end the following new subparagraph:~~

~~"(C) PROPERTY.— For purposes of subparagraph (A), the term 'property' may include all or any of the assets held for the development, operation, or maintenance of a building."~~

~~(3) EXERCISE OF RIGHT OF FIRST REFUSAL AND PURCHASE OPTIONS.— Subparagraph (A) of section 42(i)(7), as amended by subsection (a) and paragraph (1)(A), is amended by adding at the end the following: "For purposes of determining whether an option, including a right of first refusal, to purchase property or partnership interests holding (directly or indirectly) such property is described in the preceding sentence—~~

~~"(i) such option or right of first refusal shall be exercisable with or without the approval of any owner of the project (including any partner, member, or affiliated organization of such an owner), and~~

~~"(ii) a right of first refusal shall be exercisable in response to any offer to purchase the property or partnership interests, including an offer by a related party."~~

~~(c) CONFORMING AMENDMENTS.— Subparagraph (B) of section 42(i)(7) is amended by striking "the sum of" and all that follows and inserting "the principal amount of outstanding indebtedness secured by the building (other than indebtedness incurred within the 5-year period ending on the date of the sale to the tenants). In the case of a purchase of a partnership interest, the minimum purchase price is an amount not less than such interest's ratable share of the amount determined under the first sentence of this subparagraph."~~

~~(d) EFFECTIVE DATES.—~~

~~(1) MODIFICATION OF RIGHT OF FIRST REFUSAL.— The amendments made by subsections (a) and (c) shall apply to agreements entered into or amended after the date of the enactment of this Act.~~

~~(2) CLARIFICATION.— The amendments made by subsection (b) shall apply to agreements among the owners of the project (including partners, members, and their affiliated organizations) and persons described in section 42(i)(7)(A) of the Internal Revenue Code of 1986 entered into before, on, or after the date of the enactment of this Act.~~

~~(3) NO EFFECT ON AGREEMENTS.— None of the amendments made by this section is intended to supersede express language in any agreement with respect to the terms of a right of first refusal or option permitted by section 42(i)(7) of the Internal Revenue Code of 1986 in effect on the date of the enactment of this Act.~~

#### **Sec. 135507. Increase in credit for bond-financed projects designated by housing credit agency**

~~(a) IN GENERAL.— Section 42(d)(5)(B)(v) is amended by striking "The preceding sentence" and inserting "In the case of determinations of housing credit dollar amount after December 31, 2028, the preceding sentence".~~

~~(b) EFFECTIVE DATE.— The amendments made by this section shall apply to buildings which receive a determination of housing credit dollar amount pursuant to section 42(m)(2)(D) of the Internal Revenue Code of 1986 after the date of the enactment of this Act.~~

### **Subpart B— Neighborhood Homes Investment Act**

#### **Sec. 135541. Neighborhood homes credit**

~~(a) IN GENERAL.—~~

~~Subpart D of part IV of subchapter A of chapter 1 is amended by inserting after section 42 the following new section:~~

~~"Sec. 42A. Neighborhood homes credit~~

~~"(a) ALLOWANCE OF CREDIT.— For purposes of section 38, the neighborhood homes credit determined under this section for the taxable year is, with respect to each qualified residence sold by the taxpayer during such taxable year in an affordable sale, the lesser of~~

~~"(1) the excess (if any) of—~~

~~"(A) the reasonable development costs paid or incurred by the taxpayer with respect to such qualified residence, over~~

~~"(B) the sale price of such qualified residence (reduced by any reasonable expenses paid or incurred by the taxpayer in connection with such sale), or~~

~~"(2) 35 percent of the lesser of—~~

~~"(A) the eligible development costs paid or incurred by the taxpayer with respect to such qualified residence, or~~

~~"(B) 80 percent of the national median sale price for new homes (as determined pursuant to the most recent census data available as of the date on which the neighborhood homes credit agency makes an allocation for the qualified project).~~

~~"(b) DEVELOPMENT COSTS.— For purposes of this section—~~

~~"(1) REASONABLE DEVELOPMENT COSTS.—~~

~~"(A) IN GENERAL.— The term 'reasonable development costs' means amounts paid or incurred for the acquisition of buildings and land, construction, substantial rehabilitation, demolition of structures, or environmental remediation, to the extent that the neighborhood homes credit agency determines that such amounts meet the standards specified pursuant to subsection (f)(1)(C) (as of the date on which construction or substantial rehabilitation is substantially complete, as determined by such agency) and are necessary to ensure the financial feasibility of such qualified residence.~~

~~"(B) CONSIDERATIONS IN MAKING DETERMINATION.— In making the determination under subparagraph (A), the neighborhood homes credit agency shall consider—~~

~~"(i) the sources and uses of funds and the total financing;~~

~~"(ii) any proceeds or receipts generated or expected to be generated by reason of tax benefits, and~~

~~"(iii) the reasonableness of the developmental costs and fees.~~

~~"(2) ELIGIBLE DEVELOPMENT COSTS.— The term 'eligible development costs' means the amount which would be reasonable development costs if the amounts taken into account as paid or incurred for the acquisition of buildings and land did not exceed 75 percent of such costs determined without regard to any amount paid or incurred for the acquisition of buildings and land.~~

~~"(3) SUBSTANTIAL REHABILITATION.— The term 'substantial rehabilitation' means amounts paid or incurred for rehabilitation of a qualified residence if such amounts exceed the greater of—~~

~~"(A) \$20,000, or~~

~~"(B) 20 percent of the amounts paid or incurred by the taxpayer for the acquisition of buildings and land with respect to such qualified residence;~~

~~"(4) CONSTRUCTION AND REHABILITATION ONLY AFTER ALLOCATION TAKEN INTO ACCOUNT.—~~

~~"(A) IN GENERAL.— The terms 'reasonable development costs' and 'eligible development costs' shall not include any amount paid or incurred before the date on which an allocation is made to the taxpayer under subsection (e) with respect to the qualified project of which the qualified residence is part unless such amount is paid or incurred for the acquisition of buildings or land:~~

~~"(B) LAND AND BUILDING ACQUISITION COSTS.— Amounts paid or incurred for the acquisition of buildings or land shall be included under paragraph (A) only if paid or incurred not more than 3 years before the date on which the allocation referred to in subparagraph (A) is made. If the taxpayer acquired any building or land from an entity (or any related party to such entity) that holds an ownership interest in the taxpayer, then such entity must also have acquired such property within such 3-year period, and the acquisition cost included under subparagraph (A) with respect to the taxpayer shall not exceed the amount such entity paid or incurred to acquire such property.~~

~~"(c) QUALIFIED RESIDENCE.— For purposes of this section—~~

~~"(1) IN GENERAL.— The term 'qualified residence' means a residence that—~~

~~"(A) is real property affixed on a permanent foundation;~~

~~"(B) is—~~

~~"(i) a house which is comprised of 4 or fewer residential units;~~

~~"(ii) a condominium unit, or~~

~~"(iii) a house or an apartment owned by a cooperative housing corporation (as defined in section 216(b));~~

~~"(C) is part of a qualified project with respect to the neighborhood homes credit agency has made an allocation under subsection (e), and~~

~~"(D) is located in a qualified census tract (determined as of the date of such allocation);~~

~~"(2) QUALIFIED CENSUS TRACT.—~~

~~"(A) IN GENERAL.— The term 'qualified census tract' means a census tract—~~

~~"(i) which—~~

~~"(I) has a median family income which does not exceed 80 percent of the median family income for the applicable area;~~

~~"(II) has a poverty rate that is not less than 130 percent of the poverty rate of the applicable area; and~~

~~"(III) has a median value for owner-occupied homes that does not exceed the median value for owner-occupied homes in the applicable~~

area;

~~"(ii) which—~~

~~"(I) is located in a city which has a population of not less than 50,000 and such city has a poverty rate that is not less than 150 percent of the poverty rate of the applicable area;~~

~~"(II) has a median family income which does not exceed the median family income for the applicable area, and~~

~~"(III) has a median value for owner-occupied homes that does not exceed 80 percent of the median value for owner-occupied homes in the applicable area;~~

~~"(iii) which—~~

~~"(I) is located in a nonmetropolitan county;~~

~~"(II) has a median family income which does not exceed the median family income for the applicable area, and~~

~~"(III) has been designated by a neighborhood homes credit agency under this clause, or~~

~~"(iv) which is not otherwise a qualified census tract and is located in a disaster area (as defined in section 7508A(d)(3)), but only with respect to credits allocated in any period during which the President of the United States has determined that such area warrants individual or individual and public assistance by the Federal Government under the Robert T. Stafford Disaster Relief and Emergency Assistance Act.~~

~~"(B) APPLICABLE AREA.— The term 'applicable area' means—~~

~~"(i) in the case of a metropolitan census tract, the metropolitan area in which such census tract is located, and~~

~~"(ii) in the case of a census tract other than a census tract described in clause (i), the State.~~

~~"(d) AFFORDABLE SALE.— For purposes of this section—~~

~~"(1) IN GENERAL.— The term 'affordable sale' means a sale to a qualified homeowner of a qualified residence that the neighborhood homes credit agency certifies as meeting the standards promulgated under subsection (f)(1)(D) for a price that does not exceed—~~

~~"(A) in the case of any qualified residence not described in subparagraph (B), (C), or (D), the amount equal to the product of 4 multiplied by the median family income for the applicable area (as determined pursuant to the most recent census data available as of the date of the contract for such sale);~~

~~"(B) in the case of a house comprised of 2 residential units, 125 percent of the amount described in subparagraph (A);~~

~~"(C) in the case of a house comprised of 3 residential units, 150 percent of the amount described in subparagraph (A); or~~

~~"(D) in the case of a house comprised of 4 residential units, 175 percent of the amount described in subparagraph (A):~~

~~"(2) QUALIFIED HOMEOWNER.— The term 'qualified homeowner' means, with respect to a qualified residence, an individual—~~

~~"(A) who owns and uses such qualified residence as the principal residence of such individual, and~~

~~"(B) whose family income (determined as of the date that a binding contract for the affordable sale of such residence is entered into) is 140 percent or less of the median family income for the applicable area in which the qualified residence is located:~~

~~"(e) CREDIT CEILING AND ALLOCATIONS.—~~

~~"(1) CREDIT LIMITED BASED ON ALLOCATIONS TO QUALIFIED PROJECTS.—~~

~~"(A) IN GENERAL.— The credit allowed under subsection (a) to any taxpayer for any taxable year with respect to one or more qualified residences which are part of the same qualified project shall not exceed the excess (if any) of—~~

~~"(i) the amount allocated by the neighborhood homes credit agency under this paragraph to such taxpayer with respect to such qualified project, over~~

~~"(ii) the aggregate amount of credit allowed under subsection (a) to such taxpayer with respect to qualified residences which are a part of such qualified project for all prior taxable years:~~

~~"(B) DEADLINE FOR COMPLETION.— No credit shall be allowed under subsection (a) with respect to any qualified residence unless the affordable sale of such residence is during the 5-year period beginning on the date of the allocation to the qualified project of which such residence is a part (or, in the case of a qualified residence to which subsection (i) applies, the rehabilitation of such residence is completed during such 5-year period):~~

~~"(2) LIMITATIONS ON ALLOCATIONS TO QUALIFIED PROJECTS.—~~

~~"(A) ALLOCATIONS LIMITED BY STATE NEIGHBORHOOD HOMES CREDIT CEILING.— The aggregate amount allocated to taxpayers with respect to qualified projects by the neighborhood homes credit agency of any State for any calendar year shall not exceed the State neighborhood homes credit amount of such State for such calendar year:~~

~~"(B) SET-ASIDE FOR CERTAIN PROJECTS INVOLVING QUALIFIED NONPROFIT ORGANIZATIONS.— Rules similar to the rules of section 42(h)(5) shall apply for purposes of this section:~~

~~"(3) DETERMINATION OF STATE NEIGHBORHOOD HOMES CREDIT CEILING.—~~

~~"(A) IN GENERAL.— The State neighborhood homes credit amount for a State for a calendar year is an amount equal to the sum of—~~

~~"(i) the greater of—~~



~~"(I) the product of \$6, multiplied by the State population (determined in accordance with section 146(j)), or~~

~~"(H) \$8,000,000, and~~

~~"(ii) any amount previously allocated to any taxpayer with respect to any qualified project by the neighborhood homes credit agency of such State which can no longer be allocated to any qualified residence because the 5-year period described in paragraph (1)(B) expires during calendar year.~~

~~"(B) 3-YEAR CARRYFORWARD OF UNUSED LIMITATION.— The State neighborhood homes credit amount for a State for a calendar year shall be increased by the excess (if any) of the State neighborhood homes credit amount for such State for the preceding calendar year over the aggregate amount allocated by the neighborhood homes credit agency of such State during such preceding calendar year. Any amount carried forward under the preceding sentence shall not be carried past the third calendar year after the calendar year in which such credit amount originally arose, determined on a first-in, first-out basis.~~

~~"(f) RESPONSIBILITIES OF NEIGHBORHOOD HOMES CREDIT AGENCIES.—~~

~~"(1) IN GENERAL.— Notwithstanding subsection (e), the State neighborhood homes credit dollar amount shall be zero for a calendar year unless the neighborhood homes credit agency of the State—~~

~~"(A) allocates such amount pursuant to a qualified allocation plan of the neighborhood homes credit agency;~~

~~"(B) allocates not more than 20 percent of amounts allocated in the previous year (or for allocations made in 2022, not more than 20 percent of the neighborhood homes credit ceiling for such year) to projects with respect to qualified residences which—~~

~~"(i) are located in census tracts described in subsection (c)(2)(A)(iii), (c)(2)(A)(iv), (i)(5), or~~

~~"(ii) are not located in a qualified census tract but meet the requirements of (i)(8);~~

~~"(C) promulgates standards with respect to reasonable qualified development costs and fees;~~

~~"(D) promulgates standards with respect to construction quality;~~

~~"(E) in the case of any neighborhood homes credit agency which makes an allocation to a qualified project which includes any qualified residence to which subsection (i) applies, promulgates standards with respect to protecting the owners of such residences, including the capacity of such owners to pay rehabilitation costs not covered by the credit provided by this section and providing for the disclosure to such owners of their rights and responsibilities with respect to the rehabilitation of such residences, and~~

~~"(F) submits to the Secretary (at such time and in such manner as the Secretary may prescribe) an annual report specifying—~~

~~"(i) the amount of the neighborhood homes credits allocated to each qualified project for the previous year;~~

~~"(ii) with respect to each qualified residence completed in the preceding calendar year—~~

~~"(I) the census tract in which such qualified residence is located;~~

~~"(II) with respect to the qualified project that includes such qualified residence, the year in which such project received an allocation under this section;~~

~~"(III) whether such qualified residence was new, substantially rehabilitated and sold to a qualified homeowner, or substantially rehabilitated pursuant to subsection (i);~~

~~"(IV) the eligible development costs of such qualified residence;~~

~~"(V) the amount of the neighborhood homes credit with respect to such qualified residence;~~

~~"(VI) the sales price of such qualified residence, if applicable; and~~

~~"(VII) the family income of the qualified homeowner (expressed as a percentage of the applicable area median family income for the location of the qualified residence); and~~

~~"(iii) such other information as the Secretary may require.~~

~~"(2) QUALIFIED ALLOCATION PLAN.— For purposes of this subsection, the term 'qualified allocation plan' means any plan which—~~

~~"(A) sets forth the selection criteria to be used to prioritize qualified projects for allocations of State neighborhood homes credit dollar amounts, including—~~

~~"(i) the need for new or substantially rehabilitated owner-occupied homes in the area addressed by the project;~~

~~"(ii) the expected contribution of the project to neighborhood stability and revitalization, including the impact on neighborhood residents;~~

~~"(iii) the capability and prior performance of the project sponsor; and~~

~~"(iv) the likelihood the project will result in long-term homeownership;~~

~~"(B) has been made available for public comment; and~~

~~"(C) provides a procedure that the neighborhood homes credit agency (or any agent or contractor of such agency) shall follow for purposes of—~~

~~"(i) identifying noncompliance with any provisions of this section; and~~

~~"(ii) notifying the Internal Revenue Service of any such noncompliance of which the agency becomes aware.~~

~~"(E) REPAYMENT.— (I)~~

~~"(1) IN GENERAL.—~~

~~"(A) SOLD DURING 5-YEAR PERIOD.— If a qualified residence is sold during the 5-year period beginning immediately after the affordable sale of such qualified residence referred to in subsection (a), the seller (with respect to the sale during such 5-year period) shall transfer an amount equal to the repayment amount to the relevant neighborhood homes credit agency.~~

~~"(B) USE OF REPAYMENTS.— A neighborhood homes credit agency shall use any amount received pursuant to subparagraph (A) only for purposes of qualified projects.~~

~~"(2) REPAYMENT AMOUNT.— For purposes of paragraph (1)(A), the repayment amount is an amount equal to 50 percent of the gain from the sale to which the repayment relates, reduced by 20 percent for each year of the 5-year period referred to in paragraph (1)(A) which ends before the date of such sale.~~

~~"(3) LIEN FOR REPAYMENT AMOUNT.— A neighborhood homes credit agency receiving an allocation under this section shall place a lien on each qualified residence that is built or rehabilitated as part of a qualified project for an amount such agency deems necessary to ensure potential repayment pursuant to paragraph (1)(A).~~

~~"(4) DENIAL OF DEDUCTIONS IF CONVERTED TO RENTAL HOUSING.— If, during the 5-year period described in paragraph (1), an individual who owns a qualified residence fails to use such qualified residence as such individual's principal residence for any period of time, no deduction shall be allowed for expenses paid or incurred by such individual with respect to renting, during such period of time, such qualified residence.~~

~~"(5) WAIVER.— The neighborhood homes credit agency may waive the repayment required under paragraph (1)(A) in the case of homeowner experiencing a hardship.~~

~~"(h) OTHER DEFINITIONS AND SPECIAL RULES.— For purposes of this section—~~

~~"(1) NEIGHBORHOOD HOMES CREDIT AGENCY.— The term 'neighborhood homes credit agency' means the agency designated by the governor of a State as the neighborhood homes credit agency of the State.~~

~~"(2) QUALIFIED PROJECT.— The term 'qualified project' means a project that a neighborhood homes credit agency certifies will build or substantially rehabilitate one or more qualified residences.~~

~~"(3) DETERMINATIONS OF FAMILY INCOME.— Rules similar to the rules of section 143(f)(2) shall apply for purposes of this section.~~

~~"(4) POSSESSIONS TREATED AS STATES.— The term 'State' includes the District of Columbia and the possessions of the United States.~~

~~"(5) SPECIAL RULES RELATED TO CONDOMINIUMS AND COOPERATIVE HOUSING CORPORATIONS.—~~

~~"(A) DETERMINATION OF DEVELOPMENT COSTS.— In the case of a qualified residence described in clause (ii) or (iii) of subsection (c)(1)(A), the reasonable development costs and eligible development costs of such qualified residence shall be an amount equal to (i) such costs, respectively, of the entire condominium or~~

~~cooperative housing property in which such qualified residence is located, multiplied by a fraction—~~

~~"(i) the numerator of which is the total floor space of such qualified residence, and~~

~~"(ii) the denominator of which is the total floor space of all residences within such property.~~

~~"(B) TENANT STOCKHOLDERS OF COOPERATIVE HOUSING CORPORATIONS TREATED AS OWNERS.—In the case of a cooperative housing corporation (as such term is defined in section 216(b)), a tenant stockholder shall be treated as owning the house or apartment which such person is entitled to occupy.~~

~~"(6) RELATED PARTY SALES NOT TREATED AS AFFORDABLE SALES.—~~

~~"(A) IN GENERAL.—A sale between related persons shall not be treated as an affordable sale.~~

~~"(B) RELATED PERSONS.—For purposes of this paragraph, a person (in this subparagraph referred to as the 'related person') is related to any person if the related person bears a relationship to such person specified in section 267(b) or 707(b)(1), or the related person and such person are engaged in trades or businesses under common control (within the meaning of subsections (a) and (b) of section 52). For purposes of the preceding sentence, in applying section 267(b) or 707(b)(1), '10 percent' shall be substituted for '50 percent'.~~

~~"(7) INFLATION ADJUSTMENT.—~~

~~"(A) IN GENERAL.—In the case of a calendar year after 2022, the dollar amounts in subsections (b)(3)(A), (e)(3)(A)(i)(I), (e)(3)(A)(i)(II), and (i)(2)(C) shall each be increased by an amount equal to—~~

~~"(i) such dollar amount, multiplied by~~

~~"(ii) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2021' for 'calendar year 2016' in subparagraph (A)(ii) thereof.~~

~~"(B) ROUNDING.—~~

~~"(i) In the case of the dollar amounts in subsection (b)(3)(A) and (i)(2)(C), any increase under paragraph (1) which is not a multiple of \$1,000 shall be rounded to the nearest multiple of \$1,000.~~

~~"(ii) In the case of the dollar amount in subsection (e)(3)(A)(i)(I), any increase under paragraph (1) which is not a multiple of \$0.01 shall be rounded to the nearest multiple of \$0.01.~~

~~"(iii) In the case of the dollar amount in subsection (e)(3)(A)(i)(II), any increase under paragraph (1) which is not a multiple of \$100,000 shall be rounded to the nearest multiple of \$100,000.~~

~~"(8) REPORT.—~~

~~(I)~~

~~"(A) IN GENERAL.—The Secretary shall annually issue a report, to be made available to the public, which contains the information submitted pursuant to~~

subsection (f)(1)(F).

~~"(B) DE-IDENTIFICATION.—The Secretary shall ensure that any information made public pursuant to paragraph (1) excludes any information that would allow for the identification of qualified homeowners.~~

~~"(9) LIST OF QUALIFIED CENSUS TRACTS.—The Secretary of Housing and Urban Development shall, for each year, make publicly available a list of qualified census tracts under—~~

~~"(A) on a combined basis, clauses (i) and (ii) of subsection (c)(2)(A);~~

~~"(B) clause (iii) of such subsection, and~~

~~"(C) subsection (i)(5)(A).~~

~~"(i) APPLICATION OF CREDIT WITH RESPECT TO OWNER-OCCUPIED REHABILITATIONS.—~~

~~"(1) IN GENERAL.—In the case of a qualified rehabilitation by the taxpayer of any qualified residence which is owned (as of the date that the written binding contract referred to in paragraph (3) is entered into) by a specified homeowner, the rules of paragraphs (2) through (7) shall apply.~~

~~"(2) ALTERNATIVE CREDIT DETERMINATION.—In the case of any qualified residence described in paragraph (1), the neighborhood homes credit determined under subsection (a) with respect to such residence shall (in lieu of any credit otherwise determined under subsection (a) with respect to such residence) be allowed in the taxable year during which the qualified rehabilitation is completed (as determined by the neighborhood homes credit agency) and shall be equal to the least of—~~

~~"(A) the excess (if any) of—~~

~~"(i) the amounts paid or incurred by the taxpayer for the qualified rehabilitation of the qualified residence to the extent that such amounts are certified by the neighborhood homes credit agency (at the time of the completion of such rehabilitation) as meeting the standards specified pursuant to subsection (f)(1)(C), over~~

~~"(ii) any amounts paid to such taxpayer for such rehabilitation;~~

~~"(B) 50 percent of the amounts described in subparagraph (A)(i), or~~

~~"(C) \$50,000.~~

~~"(3) QUALIFIED REHABILITATION.—~~

~~"(A) IN GENERAL.—For purposes of this subsection, the term 'qualified rehabilitation' means a rehabilitation or reconstruction performed pursuant to a written binding contract between the taxpayer and the qualified homeowner if the amount paid or incurred by the taxpayer in the performance of such rehabilitation or reconstruction exceeds the dollar amount in effect under subsection (b)(3)(A).~~

~~"(B) APPLICATION OF LIMITATION TO EXPENSES PAID OR INCURRED AFTER ALLOCATION.—A rule similar to the rule of section (b)(4) shall apply for purposes of this subsection.~~

(/)

~~"(4) SPECIFIED HOMEOWNER.— For purposes of this subsection, the term 'qualified homeowner' means, with respect to a qualified residence, an individual—~~

~~"(A) who owns and uses such qualified residence as the principal residence of such individual as of the date that the written binding contract referred to in paragraph (3) is entered into, and~~

~~"(B) whose family income (determined as of such date) does not exceed the median family income for the applicable area (with respect to the census tract in which the qualified residence is located);~~

~~"(5) ADDITIONAL CENSUS TRACTS IN WHICH OWNER-OCCUPIED RESIDENCES MAY BE LOCATED.— In the case of any qualified residence described in paragraph (1), the term 'qualified census tract' includes any census tract which—~~

~~"(A) meets the requirements of subsection (e)(2)(A)(i) without regard to subclause (iii) thereof, and~~

~~"(B) is designated by the neighborhood homes credit agency for purposes of this paragraph.~~

~~"(6) MODIFICATION OF REPAYMENT REQUIREMENT.— In the case of any qualified residence described in paragraph (1), subsection (g) shall be applied by beginning the 5-year period otherwise described therein on the date on which the qualified owner acquired the residence.~~

~~"(7) RELATED PARTIES.— Paragraph (1) shall not apply if the taxpayer is the owner of the qualified residence described in paragraph (1) or is related (within the meaning of subsection (h)(6)(B)) to such owner.~~

~~"(8) PYRRHOTITE REMEDIATION.— The requirement of subsection (c)(1)(C) shall not apply to a qualified rehabilitation under this subsection of a qualified residence that is documented by an engineer's report and core testing to have a foundation that is adversely impacted by pyrrhotite or other iron sulfide minerals.~~

~~"(j) REGULATIONS.— The Secretary shall prescribe such regulations as may be necessary or appropriate to carry out the purposes of this section, including regulations that prevent avoidance of the rules, and abuse of the purposes, of this section."~~

~~(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—~~

~~Section 38(b), as amended by the preceding provisions of this Act, is amended by striking "plus" at the end of paragraph (34), by striking the period at the end of paragraph (35) and inserting ", plus", and by adding at the end the following new paragraph:~~

~~"(36) the neighborhood homes credit determined under section 42A(a)."~~

~~(c) CREDIT ALLOWED AGAINST ALTERNATIVE MINIMUM TAX.—~~

~~Section 38(c)(4)(B), as amended by the preceding provisions of this Act, is amended by redesignating clauses (iv) through (xiii) as clauses (v) through (xiv), respectively, and by inserting after clause (iii) the following new clause:~~

~~"(i) the credit determined under section 42A."~~

~~(d) CONFORMING AMENDMENTS.—~~

(1) Subsections (i)(3)(C), (i)(6)(B)(i), and (k)(1) of section 469 are each amended by inserting "or 42A" after "section 42".

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by inserting after the item relating to section 42 the following new item:

"Sec. 42A. Neighborhood homes credit."

(e) EFFECTIVE DATE.— The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

## Part 6— Investments in tribal infrastructure

### Sec. 135601. Treatment of Indian Tribes as States with respect to bond issuance

(a) IN GENERAL.—

Section 7871(e) is amended to read as follows:

"(c) SPECIAL RULES FOR TAX-EXEMPT BONDS.—

"(1) IN GENERAL.— In applying section 146 to bonds issued by Indian Tribal Governments the Secretary shall annually—

"(A) establish a national bond volume cap based on the greater of—

"(i) the State population formula approach in section 146(d)(1)(A) (using national Tribal population estimates supplied annually by the Department of the Interior in consultation with the Census Bureau), and

"(ii) the minimum State ceiling amount in section 146(d)(1)(B) (as adjusted in accordance with the cost of living provision in section 146(d)(2));

"(B) allocate such national bond volume cap among all Indian Tribal Governments seeking such an allocation in a particular year under regulations prescribed by the Secretary.

"(2) APPLICATION OF GEOGRAPHIC RESTRICTION.— In the case of national bond volume cap allocated under paragraph (1), section 146(k)(1) shall not apply to the extent that such cap is used with respect to financing for a facility located on qualified Indian lands.

"(3) RESTRICTION ON FINANCING OF CERTAIN GAMING FACILITIES.— No portion of the volume cap allocated under this subsection may be used with respect to the financing of any portion of a building in which class II or class III gaming (as defined in section 4 of the Indian Gaming Regulatory Act) is conducted or housed or any property actually used in the conduct of such gaming.

"(4) DEFINITIONS AND SPECIAL RULES.— For purposes of this subsection—

"(A) INDIAN TRIBAL GOVERNMENT.— The term 'Indian Tribal Government' means the governing body of an Indian Tribe, band, nation, or other organized group or community, or of Alaska Natives, which is recognized as eligible for the special programs and services provided by the United States to Indians because of their

~~status as Indians, and also includes any agencies, instrumentalities or political subdivisions thereof.~~

~~"(B) INTERTRIBAL CONSORTIUMS, ETC.— In any case in which an Indian Tribal Government has authorized an intertribal consortium, a Tribal organization, or an Alaska Native regional or village corporation, as defined in, or established pursuant to, the Alaska Native Claims Settlement Act, to plan for, coordinate or otherwise administer services, finances, functions, or activities on its behalf under this subsection, the authorized entity shall have the rights and responsibilities of the authorizing Indian Tribal Government only to the extent provided in the Authorizing resolution.~~

~~"(C) QUALIFIED INDIAN LANDS.— The term 'qualified Indian lands' shall mean an Indian reservation as defined in section 3(d) of the Indian Financing Act of 1974 (25 U.S.C. 1452(d)), including lands which are within the jurisdictional area of an Oklahoma Indian Tribe (as determined by the Secretary of the Interior) and shall include lands outside a reservation where the facility is to be placed in service in connection with—~~

~~"(i) the active conduct of a trade or business by an Indian Tribe on, contiguous to, within reasonable proximity of, or with a substantial connection to, an Indian reservation or Alaska Native village, or~~

~~"(ii) infrastructure (including roads, power lines, water systems, railroad spurs, and communication facilities) serving an Indian reservation or Alaska Native village."~~

~~(b) CONFORMING AMENDMENT.—~~

~~Subparagraph (B) of section 45(e)(9) is amended to read as follows:~~

~~"(B) INDIAN TRIBE.— For purposes of this paragraph, the term 'Indian tribe' has the meaning given the term 'Indian Tribal Government' by section 7871(c)(3)(A)."~~

~~(c) EFFECTIVE DATE.— The amendments made by this section shall apply to obligations issued in calendar years beginning after the date of the enactment of this Act.~~

### **Sec. 135602. New markets tax credit for Tribal Statistical Areas**

~~(a) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—~~

~~Section 45D(f), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:~~

~~"(5) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—~~

~~"(A) IN GENERAL.— In the case of each calendar year after 2021, there is (in addition to any limitation under any other paragraph of this subsection) a new markets tax credit limitation of \$175,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to Tribal Statistical Areas:~~

~~"(B) CARRYOVER OF UNUSED TRIBAL STATISTICAL AREA LIMITATION.—~~



~~"(i) IN GENERAL.— If the credit limitation under subparagraph (A) for any calendar year exceeds the amount of such limitation allocated by the Secretary for such calendar year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.~~

~~"(ii) LIMITATION ON CARRYOVER.— No amount of credit limitation may be carried under clause (i) past the 5th calendar year following the calendar year in which such amount of credit limitation arose.~~

~~"(iii) TRANSFER OF EXPIRED TRIBAL STATISTICAL AREA LIMITATION TO GENERAL LIMITATION.— In the case of any amount of credit limitation which would (but for clause (ii)) be carried under clause (i) to the 6th calendar year following the calendar year in which such amount of credit limitation arose, the new market tax credit limitation under paragraph (1) for such 6th calendar year shall be increased by the amount of such credit limitation.~~

~~"(C) TRIBAL STATISTICAL AREA.— For purposes of this paragraph, the term 'Tribal Statistical Area' means—~~

~~"(i) any low-income community which is located in any Tribal Census Tract, Oklahoma Tribal Statistical Area, Tribal Designated Statistical Area, Alaska Native Village Statistical Area, or Hawaiian Home Land, and~~

~~"(ii) any low-income community described in subsection (e)(1)(B)."~~

~~(b) ELIGIBILITY OF CERTAIN PROJECTS SERVING TRIBAL MEMBERS.—~~  
Section 45D(e)(1) is amended to read as follows:

~~"(1) IN GENERAL.— The term 'low-income community' means any area—~~

~~"(A) comprising a population census tract if—~~

~~"(i) the poverty rate for such tract is at least 20 percent, or~~

~~"(ii)~~

~~"(I) in the case of a tract not located within a metropolitan area, the median family income for such tract does not exceed 80 percent of statewide median family income, or~~

~~"(II) in the case of a tract located within a metropolitan area, the median family income for such tract does not exceed 80 percent of the greater of statewide median family income or the metropolitan area median family income;~~

~~"(B) which is used for a qualified active low-income community business which—~~

~~"(i) services a significant population of Tribal or Alaska Native Village members who are residents of a low-income community described in subsection (f)(5)(C)(i), and~~

~~"(ii) obtains a written statement from the relevant Indian Tribal Government (within the meaning of section 7871(c)) that documents the eligibility such project with respect to the requirement of clause (i).~~

~~Subparagraph (A)(ii) shall be applied using possession wide median family income in the case of census tracts located within a possession of the United States."~~

~~(c) APPLICATION OF INFLATION ADJUSTMENT.— Section 45D(f)(4), as added by the preceding provisions of this Act, is amended by striking "the dollar amount paragraph (1)(H) shall be increased" and inserting "the dollar amounts in paragraphs (1)(H) and (5)(A) shall each be increased":~~

~~(d) COORDINATION WITH EXISTING CARRYOVER.—~~

~~Section 45D(f)(3), as amended by the preceding provisions of this Act, is amended to read as follows:~~

~~"(3) CARRYOVER OF UNUSED LIMITATION.— If the new markets tax credit limitation under paragraph (1) for any calendar year exceeds the amount of such limitation allocated by the Secretary under paragraph (2) for such year, such limitation for the succeeding calendar year shall be increased by the amount of such excess."~~

~~(e) REGULATORY AUTHORITY.—~~

~~Section 45D(i) is amended by striking "and" at the end of paragraph (5), by striking the period at the end of paragraph (6) and inserting ", and", and by adding at the end the following new paragraph:~~

~~"(7) which provide documentation requirements for the written statement required under subsection (e)(1)(B)(ii), and~~

~~"(8) which provide procedures for determining which projects under subsection (e)(1)(B) are qualified active low-income community businesses with respect to the populations described in such subsection. Such procedures shall take into account the location needs of such projects, especially with respect to projects that serve multiple tribal or Alaska Native Village communities."~~

~~(f) EFFECTIVE DATE.— The amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after December 31, 2021.~~

### ~~Sec. 135603. Inclusion of Indian areas as difficult development areas for purposes of certain buildings~~

~~(a) IN GENERAL.— Subclause (I) of section 42(d)(5)(B)(iii), as amended by the preceding provisions of this Act, is amended by inserting ", any Indian area" after "median gross income":~~

~~(b) INDIAN AREA.—~~

~~Clause (iii) of section 42(d)(5)(B), as amended by the preceding provisions of this Act is amended by redesignating subclause (III) as subclause (V) and by inserting after subclause (II) the following new subclauses:~~

~~"(III) INDIAN AREA.— For purposes of subclause (I), the term 'Indian area' means any Indian area (as defined in section 4(11) of the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4103(11))):~~

~~"(I) SPECIAL RULE FOR BUILDINGS IN INDIAN AREAS.— In the case of an area which is a difficult development area solely because it is an Indian area, a building shall not be~~

~~treated as located in such area unless such building is assisted or financed under the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4104 et seq.) or the project sponsor is an Indian tribe (as defined in section 45A(e)(6)), a tribally designated housing entity (as defined in section 4(22) of such Act (25 U.S.C. 4103(22))), or wholly owned or controlled by such an Indian tribe or tribally designated housing entity.~~

~~(c) EFFECTIVE DATE.—The amendments made by this section shall apply to buildings placed in service after December 31, 2021.~~

## Part 7—Investments in the territories

### ~~Sec. 135701. Possessions Economic Activity Credit~~

~~(a) IN GENERAL.—~~

~~Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by adding at the end the following new section:~~

#### ~~"Sec. 45V. Possessions Economic Activity Credit~~

~~"(a) ALLOWANCE OF CREDIT.—For purposes of section 38, in the case of a qualified domestic corporation the possessions economic activity credit determined under this section for a taxable year is an amount equal to 20 percent of the sum of the qualified possession wages and allocable employee fringe benefit expenses paid or incurred by the taxpayer for the taxable year.~~

~~"(b) QUALIFIED DOMESTIC CORPORATION; QUALIFIED CORPORATION.—For purposes of this section—~~

~~"(1) IN GENERAL.—The term 'qualified domestic corporation' means any domestic corporation which is—~~

~~"(A) a qualified corporation, or~~

~~"(B) a United States shareholder of a foreign corporation which—~~

~~"(i) is a qualified corporation, and~~

~~"(ii) is wholly owned by the United States shareholder together with any corporations which are members of the same affiliated group (within the meaning of section 1504(a)) as such United States shareholder.~~

~~"(2) QUALIFIED CORPORATION.—The term 'qualified corporation' means any corporation if such corporation meets the following requirements:~~

~~"(A) SOURCE QUALIFICATION.—80 percent or more of the gross income of the corporation for the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable) was derived from sources within a possession of the United States (determined without regard to section 904(f)).~~

~~"(B) TRADE OR BUSINESS QUALIFICATION.—75 percent or more of the gross income of the corporation for such period or such part thereof was derived from the active conduct of a trade or business within a possession of the United States.~~

~~"(3) SPECIAL RULE FOR SEPARATE AND CLEARLY IDENTIFIED UNITS OF FOREIGN CORPORATIONS.—~~

~~"(A) IN GENERAL.— In the case of a United States shareholder of a foreign corporation which—~~

~~"(i) is not a qualified corporation but with respect to which the ownership requirements of paragraph (1)(B)(ii) are met, and~~

~~"(ii) has an eligible foreign business unit which, if such unit were a corporation, would be a qualified corporation with respect to which such ownership requirements would be met;~~

~~then, for purposes of this section, the United States shareholder may elect to treat such unit as a separate foreign corporation which meets the requirements of paragraph (1)(B) and with respect to which such shareholder is a United States shareholder.~~

~~"(B) ELIGIBLE FOREIGN BUSINESS UNIT.— For purposes of this paragraph, the term 'eligible foreign business unit' means a separate and clearly identified foreign unit of a trade or business, including a partnership or an entity treated as disregarded as a separate entity from its owner (under section 7701 or other provision under this title), which maintains separate books and records.~~

~~"(C) SPECIAL ELECTION FOR AFFILIATED GROUPS.— In the case of an affiliated group described in paragraph (1)(B)(ii), the election under subparagraph (A) with respect to any eligible foreign business unit shall be made by the common parent of such group and shall apply uniformly to all members of such group which are United States shareholders with respect to the foreign corporation which has such unit.~~

~~"(c) QUALIFIED POSSESSION WAGES.— For purposes of this section—~~

~~"(1) IN GENERAL.— The term 'qualified possession wages' means wages paid or incurred by the qualified corporation during the taxable year in connection with the active conduct of a trade or business within a possession of the United States to any employee for services performed in such possession, but only if such services are performed while the principal place of employment of such employee is within such possession.~~

~~"(2) LIMITATION ON AMOUNT OF WAGES TAKEN INTO ACCOUNT.—~~

~~"(A) IN GENERAL.— The amount of wages which may be taken into account under paragraph (1) with respect to any employee for any taxable year shall not exceed \$50,000.~~

~~"(B) TREATMENT OF PART-TIME EMPLOYEES, ETC.— If—~~

~~"(i) any employee is not employed by the qualified corporation on a substantially full-time basis at all times during the taxable year, or~~

~~"(ii) the principal place of employment of any employee with the qualified corporation is not within a possession at all times during the taxable year,~~

~~the limitation applicable under paragraph (1) with respect to such employee shall be the appropriate portion (as determined by the Secretary) of the limitation which would otherwise be in effect under paragraph (1).~~

~~"(C) WAGES.—~~

~~"(i) IN GENERAL.— Except as provided in clause (ii), the term 'wages' has the meaning given to such term by subsection (b) of section 3306 (determined without regard to any dollar limitation contained in such section). For purposes of the preceding sentence, such subsection (b) shall be applied as if the term 'United States' included all possessions of the United States.~~

~~"(ii) SPECIAL RULE FOR AGRICULTURAL LABOR AND RAILWAY LABOR.— In any case to which subparagraph (A) or (B) of paragraph (1) of section 51(h) applies, the term 'wages' has the meaning given to such term by section 51(h)(2).~~

~~"(3) ALLOCABLE EMPLOYEE FRINGE BENEFIT EXPENSES.—~~

~~"(A) IN GENERAL.— The allocable employee fringe benefit expenses of any qualified corporation for any taxable year is an amount which bears the same ratio to the amount determined under subparagraph (B) for such taxable year as~~

~~"(i) the aggregate amount of the qualified corporation's qualified possession wages for such taxable year, bears to~~

~~"(ii) the aggregate amount of the wages paid or incurred by such qualified corporation during such taxable year.~~

~~In no event shall the amount determined under the preceding sentence exceed 15 percent of the amount referred to in clause (i).~~

~~"(B) EXPENSES TAKEN INTO ACCOUNT.— For purposes of subparagraph (A), the amount determined under this subparagraph for any taxable year is the aggregate amount allowable (or, in the case of a foreign corporation, which would be allowable if such foreign corporation were a domestic corporation) as a deduction under this chapter to the qualified corporation for such taxable year with respect to—~~

~~"(i) employer contributions under a stock bonus, pension, profit-sharing, or annuity plan,~~

~~"(ii) employer-provided coverage under any accident or health plan for employees, and~~

~~"(iii) the cost of life or disability insurance provided to employees.~~

~~Any amount treated as wages under paragraph (2)(C) shall not be taken into account under this subparagraph.~~

~~"(d) SPECIAL RULE FOR QUALIFIED SMALL DOMESTIC CORPORATION.— For purposes of this section—~~

~~"(1) INCREASED CREDIT PERCENTAGE.—<sup>(1)</sup> In the case of a qualified small domestic corporation, subsection (a) shall be applied by substituting '50 percent' for '20 percent'.~~

~~"(2) QUALIFIED SMALL DOMESTIC CORPORATION.—~~

~~"(A) IN GENERAL.—~~The term 'qualified small domestic corporation' means a qualified domestic corporation that meets the requirements of subparagraphs (B) and (C):

~~"(B) FULL-TIME EMPLOYMENT.—~~A qualified domestic corporation meets the requirements of this subparagraph if the qualified corporation which is the qualified domestic corporation under subsection (b)(1)(A) or the foreign corporation under subsection (b)(1)(B)(i)—

~~"(i) has at least 5 full-time employees in a possession of the United States for each year in the 3-year period immediately preceding the close of the taxable year (or for such part of such period immediately preceding the close of such taxable year as may be applicable), and~~

~~"(ii) has not more than a total of 30 full-time employees for each year in such 3-year period.~~

~~"(C) GROSS RECEIPTS.—~~A qualified domestic corporation meets the requirements of this subparagraph if the annual gross receipts of the qualified domestic corporation (and all persons related thereto) for each year in such 3-year period is not more than \$50,000,000.

~~"(3) RELATED PERSONS.—~~In determining whether the limitations under subparagraphs (B)(ii) and (C) of paragraph (2) are met, all persons who are treated as related to the qualified domestic corporation for purposes of subsection (a) or (b) of section 52 shall be taken into account.

~~"(4) AMOUNT OF WAGES TAKEN INTO ACCOUNT.—~~Subsection (c)(2)(A) shall be applied by substituting '\$139,500' for '\$50,000'.

~~"(e) POSSESSION OF THE UNITED STATES.—~~

~~"(1) IN GENERAL.—~~The term 'possession of the United States' means American Samoa, the Commonwealth of the Northern Mariana Islands, the Commonwealth of Puerto Rico, Guam, and the Virgin Islands:

~~"(2) MIRROR CODE POSSESSIONS.—~~In the case of any possession of the United States with a mirror code tax system (as defined in section 24(k)), this section shall not be treated as part of the income tax laws of the United States for purposes of determining the income tax law of such possession unless such possession elects to have this section be so treated:

~~"(f) SEPARATE APPLICATION TO EACH POSSESSION.—~~For purposes of determining the amount of the credit allowed under this section, this section shall be applied separately with respect to each possession of the United States:

~~"(g) TERMINATION.—~~No credit shall be allowed under this section for any taxable year beginning after December 31, 2031."

~~(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—~~

(1)

Subsection (b) of section 38, as amended by the preceding provisions of this Act, is amended by striking "plus" at the end of paragraph (35), by striking the period at the end of paragraph (36) and inserting ", plus", and by adding at the end the following new paragraph:

~~"(37) the possessions economic activity credit determined under section 45V."~~

~~(e) CLERICAL AMENDMENT.—~~

The table of sections for subpart B of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

~~"Sec. 45V. Possessions Economic Activity Credit."~~

~~(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act, and in the case of a qualified corporation that is a foreign corporation, to taxable years beginning after the date of enactment and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.~~

**Sec. 135702. Additional new markets tax credit allocations for the territories**

~~(a) IN GENERAL.—~~

Section 45D(f), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

~~"(6) ADDITIONAL ALLOCATIONS FOR POSSESSIONS OF THE UNITED STATES.—~~

~~"(A) IN GENERAL.—In the case of each calendar year after 2021, there is (in addition to the limitation under paragraph (1)—~~

~~"(i) a new markets tax credit limitation of \$80,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to low-income communities located in Puerto Rico, and~~

~~"(ii) a new markets tax credit limitation of \$20,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may only be allocated with respect to low-income communities located in possessions of the United States other than Puerto Rico.~~

~~"(B) CARRYOVER OF UNUSED LIMITATION.—~~

~~"(i) IN GENERAL.—If the credit limitation under clause (i) or clause (ii) of subparagraph (A) for any calendar year exceeds the amount of such limitation allocated by the Secretary for such calendar year, such limitation for the succeeding calendar year shall be increased by the amount of such excess.~~

~~"(ii) LIMITATION ON CARRYOVER.—No amount of credit limitation may be carried under clause (i) past the 5th calendar year following the calendar year in which such amount of credit limitation arose.~~

~~"(iii) TRANSFER OF EXPIRED POSSESSION LIMITATION TO GENERAL LIMITATION: — In the case of any amount of credit limitation which would (but for clause (ii)) be carried under clause (i) to the 6th calendar year following the calendar year in which such amount of credit limitation arose, the new market tax credit limitation under paragraph (1) for such 6th calendar year shall be increased by the amount of such credit limitation."~~

~~(b) APPLICATION OF INFLATION ADJUSTMENT. — Section 45D(f)(4), as added and amended by the preceding provisions of this Act, is amended by striking "paragraphs (1)(H) and (5)(A)" and inserting "paragraphs (1)(H), (5)(A), (6)(A)(i), and (6)(A)(ii)".~~

~~(c) EFFECTIVE DATES. — The amendments made by this section shall apply to new markets tax credit limitation determined for calendar years after December 31, 2021.~~

**\* Sec. 135501. Increases in State allocations**

~~(a) IN GENERAL. —~~

~~Section 42(h)(3)(I) is amended to read as follows:~~

~~"(I) INCREASE IN STATE HOUSING CREDIT CEILING FOR 2022 THROUGH 2028. —~~

~~"(i) IN GENERAL. —~~

~~In the case of calendar years 2022 through 2028, the dollar amounts under subclauses (I) and (II) of subparagraph (C)(ii) for any such calendar shall be determined under clause (ii) and in accordance with the following table:~~

<del>"In the case of calendar year:</del>	<del>The subclause (I) amount shall be:</del>	<del>The subclause (II) amount shall be:</del>
<del>2022</del>	<del>\$3.22</del>	<del>\$3,711,575</del>
<del>2023</del>	<del>\$3.70</del>	<del>\$4,269,474</del>
<del>2024</del>	<del>\$4.25</del>	<del>\$4,901,620</del>
<del>2025</del>	<del>\$4.88</del>	<del>\$5,632,880</del>

~~"(ii) INFLATION ADJUSTMENT FOR 2026, 2027, AND 2028. — In the case of calendar years 2026, 2027, and 2028, the subclause (I) and (II) dollar amounts shall be the respective dollar amounts corresponding to calendar year 2025 in the table under clause (i) each increased by an amount equal to —~~

~~"(I) such dollar amount, multiplied by~~

~~"(II) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting 'calendar year 2025' for 'calendar year 2016' in paragraph (A)(ii) thereof.~~

~~Any increase under this clause shall be rounded to the nearest cent in the case of the subclause (I) amount and the nearest dollar in the case of the~~



subclause (II) amount."

(b) ~~EFFECTIVE DATE.~~—The amendments made by this section shall apply to calendar years beginning after December 31, 2021.

\* **Sec. 135502. Tax-exempt bond financing requirement**

(a) ~~IN GENERAL.~~—Section 42(h)(4)(B) is amended by adding at the end the following: "The preceding sentence shall be applied by substituting '25 percent' for '50 percent' in the case of any building which is financed by any obligation issued in calendar year 2022, 2023, 2024, 2025, 2026, 2027, or 2028 (and not by any obligation on which the application of this subparagraph is based during any taxable year beginning during calendar year 2019, 2020, or 2021)."

(b) ~~EFFECTIVE DATE.~~—The amendment made by this section shall apply to buildings placed in service in taxable years beginning after December 31, 2021.

\* **Sec. 135503. Buildings designated to serve extremely low-income households**

(a) ~~RESERVED STATE ALLOCATION.~~—

(1) ~~IN GENERAL.~~—Section 42(h) is amended—

(A) by redesignating paragraphs (6), (7), and (8) as paragraphs (7), (8), and (9), respectively, and

(B) by inserting after paragraph (5) the following new paragraph:

~~"(6) PORTION OF STATE CEILING SET ASIDE FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—~~

~~"(A) IN GENERAL.—~~Not more than 90 percent of the portion of the State housing credit ceiling amount described in paragraph (3)(C)(ii) for any State for any calendar year shall be allocated to buildings other than buildings described in subparagraph (B).

~~"(B) BUILDINGS DESCRIBED.—~~A building is described in this subparagraph if 20 percent or more of the residential units in such building are rent-restricted (determined as if the imputed income limitation applicable to such units were 30 percent of area median gross income) and are designated by the taxpayer for occupancy by households the aggregate household income of which does not exceed the greater of—

~~"(i) 30 percent of area median gross income, or~~

~~"(ii) 100 percent of an amount equal to the Federal poverty line (within the meaning of section 36B(d)(3)).~~

~~"(C) STATE MAY NOT OVERRIDE SET-ASIDE.—~~Nothing in subparagraph (F) of paragraph (3) shall be construed to permit a State not to comply with subparagraph (A) of this paragraph.

~~"(D) TERMINATION.—~~This paragraph shall not apply to allocations after December 31, 2031<sup>(7)</sup>

~~(2) CONFORMING AMENDMENT.—Section 42(b)(4)(C) is amended by striking "(h)(7)" and inserting "(h)(8)".~~

~~(b) INCREASE IN CREDIT.—~~

~~Paragraph (5) of section 42(d) is amended by adding at the end the following new subparagraph:~~

~~"(C) INCREASE IN CREDIT FOR PROJECTS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.—~~

~~"(i) IN GENERAL.—In the case of any building—~~

~~"(I) which is described in subsection (h)(6)(B), and~~

~~"(II) which is designated by the housing credit agency as requiring the increase in credit under this subparagraph in order for such building to be financially feasible as part of a qualified low-income housing project;~~

~~subparagraph (B) shall not apply to the portion of such building which is comprised of such units, and the eligible basis of such portion of the building shall be 150 percent of such basis determined without regard to this subparagraph.~~

~~"(ii) ALLOCATION RULES APPLICABLE TO PROJECTS TO WHICH CLAUSE (I) APPLIES:~~

~~"(i) STATE HOUSING CREDIT CEILING.—For any calendar year, the housing credit agency shall not allocate more than 15 percent of the portion of the State housing credit ceiling amount described in subsection (h)(3)(C)(ii) to buildings to which clause (i) applies, and~~

~~"(ii) PRIVATE ACTIVITY BOND VOLUME CAP.—In the case of projects financed by tax-exempt bonds as described in subsection (h)(4), for any calendar year, the State shall not issue more than 10 percent of the private activity bond volume cap as described in section 146(d)(1) to buildings to which clause (i) applies.~~

~~"(iii) TERMINATION.—This subparagraph shall not apply to allocations after December 31, 2031."~~

~~(c) EFFECTIVE DATE.—The amendments made by this section shall apply to allocations, and determinations, of housing credit dollar amount after December 31, 2021.~~

**\* Sec. 135504. Inclusion of rural areas as difficult development areas**

~~(a) IN GENERAL.—Subclause (I) of section 42(d)(5)(B)(iii) is amended by inserting before the period the following: ", and any rural area".~~

~~(b) RURAL AREA.—~~

~~Clause (iii) of section 42(d)(5)(B) is amended by redesignating subclause (II) as subclause (III) and by inserting after subclause (I) the following new subclause:~~

~~"(II) RURAL AREA.—For purposes of subclause (I), the term 'rural area' means any non-metropolitan area, or any rural area as defined by section 520 of the Housing Act of 1949, which is identified by the qualified allocation plan under subsection (m)(1)(B)."~~