The House met at 10 a.m. and was called to order by the Speaker pro tempore (Ms. CLARK of Massachusetts).

DESIGNATION OF THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC, November 18, 2021.

I hereby appoint the Honorable KATHERINE M. CLARK to act as Speaker pro tempore on this day.

NANCY PELOSI, Speaker of the House of Representatives.

PRAYER
The Chaplain, the Reverend Margaret Grun Kibben, offered the following prayer:

Your word is a lamp to our feet and a light to our path, alive and active, judging the thoughts and attitudes of our hearts. Yours is a word which calls us to hear and obey, to live according to the truth and love You lay before us. Holy God, speak Your word to us today that it would pierce our hearts to the truth and love You lay before us.

In the strength of Your name we pray. Amen.

THE JOURNAL
The SPEAKER pro tempore. Pursuant to section 11(a) of House Resolution 188, the Journal of the last day’s proceedings is approved.

PLEDGE OF ALLEGIANCE
The SPEAKER pro tempore. Will the gentleman from New York (Mr. ESPAILLAT) come forward and lead the House in the Pledge of Allegiance.

Mr. ESPAILLAT led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE
The SPEAKER pro tempore. The Chair will entertain up to five requests for 1-minute speeches on each side of the aisle.

RECOGNIZING ANGIE HENDERSHOT
(Mr. KILDEE asked and was given permission to address the House for 1 minute.)

Mr. KILDEE. Madam Speaker, today, I rise to recognize an incredible leader in mid-Michigan, Angie Hendershot.

For the past 25 years, my constituents in Flint, Saginaw, and Bay City have welcomed Angie Hendershot into their homes as a reporter and anchor with ABC-TV-12. She is a trusted voice in our community. Local reporters like Angie play a vital role in democracy.

For the past 25 years, she has kept mid-Michigan informed and connected through her on-the-ground reporting and investigative journalism. Through her course of work, Angie has won many awards, including 10 Emmys and numerous awards from the Associated Press and Michigan Association of Broadcasters.

But for Angie, working at ABC 12 isn’t just a job; it is a way to give back to the community she loves. She has demonstrated time and time again her commitment to mid-Michigan throughout her career with volunteerism and charity work. One of those initiatives is the annual diaper drive, where Angie helps to collect donations of diapers, wipes, and cash to help the Flint Diaper Bank supply more than a million diapers to local, needy babies every year.

Madam Speaker, I congratulate Angie on her achievements and this important milestone. I speak for our entire community when I say we look forward to welcoming her into our living rooms for many, many years to come.

Great work, Angie.

PENN STATE’S SEATS FOR SERVICE MEMBERS
(Mr. KELLER asked and was given permission to address the House for 1 minute.)

Mr. KELLER. Madam Speaker, as Americans, we should always honor and support our veterans and Active Duty military personnel. This week, Penn State University kicked off its 10th annual Military Appreciation Week, holding a series of events and ceremonies on behalf of the brave men and women who have served and fought for and continue to fight for our country.

Military Appreciation Week at Penn State culminates this Saturday with the annual military appreciation tailgate and football game at Beaver Stadium. Penn State’s Seats for Service members program will give 7,000 complimentary tickets to veterans and servicemembers to enjoy the game.
Moreover, Penn State is now home to the largest stadium in the United States, honoring POW/MIA service members with a chair of honor that will forever remain empty honoring those brave Americans who never returned home.

To Penn State University and the community members who have made this week possible, thank you for your work. We are Penn State.

INFRASTRUCTURE INVESTMENTS FOR TEXAS

(Ms. GARCIA of Texas asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. GARCIA of Texas. Madam Speaker, I rise today to celebrate the billions of dollars coming to Texas to provide clean water and to weatherize our power grid.

In just the past year and a half, my district has faced a devastating winter storm and a massive pipe burst that put lives at risk. These two events, pictured for me, demonstrate a simple truth. We are long past due for investments that modernize our electric grid and restore our aging water systems.

That is why I am proud that the infrastructure bill will invest $3.5 billion to prepare power grids for weather emergencies and bring $2.9 billion directly to Texas for clean water. Thanks to this funding, communities like mine will benefit from clean water, reliable power, and peace of mind.

NATIONAL RURAL HEALTH DAY

(Mr. GUEST asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GUEST. Madam Speaker, I rise today on Thursday, November 18, in honor of National Rural Health Day. My home state of Mississippi is leading the way in rural healthcare innovation, which is important because 54 percent of our State’s population lives in rural areas. Thanks to a strong network of hospitals served by dedicated healthcare providers, as well as a world-class telehealth system anchored by the University of Mississippi Medical Center, patients in Mississippi can receive the care they need in their communities.

I am proud of the partnership between two universities in my district to improve health outcomes in rural communities across our State. The University of Mississippi Medical Center, our State’s only academic medical center, and Mississippi State University, with its land grant mission and extension expertise, are partnering on critical healthcare and public health challenges and are working together to meet the healthcare needs of their fellow Mississippians.

Madam Speaker, I am grateful for Mississippi’s role in advancing rural healthcare and the selfless service of our healthcare providers.

BUILDING BACK GREEN

(Mr. ESPAILLAT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ESPAILLAT. Madam Speaker, I rise today to commend my colleagues for acting to tackle the climate crisis. Under President Biden’s leadership, we are celebrating America’s efforts to combat our world’s largest existential threat: global warming.

Last week, Speaker PELOSI led a diverse group of House Democrats to Glasgow, Scotland. I was part of that group, the COP 26 conference, and our message was clear. The U.S. is proud to be back in the Paris Agreement and will continue to demonstrate our commitment to reach net-zero emissions.

Our commitment was met by action, not only with the agreements that were struck during the conference, but also the sound policies included in the Build Back Green framework’s $555 billion investment represents the largest single investment in our clean energy economy in history. This includes buildings, transportation, industry, electricity, agriculture, culture, and climate-smart practices across lands and waters.

As an environmental justice policy, the Justice40 acknowledges decades of environmental burdens on Black, Brown, and indigenous communities. Upholding this policy is vital to guarantee that communities that have weathered the costs of climate change finally receive commonsense human rights.

Let’s build back better. Let’s build back green.

ECONOMIC CRISIS

(Mrs. STEEL asked and was given permission to address the House for 1 minute.)

Mrs. STEEL. Madam Speaker, I rise to discuss the rising costs that are crushing hardworking families.

Last week, it was reported that inflation hit a 30-year high. This is a hidden tax on every American that is making your paycheck worth less. Americans are paying more for everything, from groceries, to utilities, to filling up the gas tank.

The cost of a gallon of gas is up 61 percent; utilities up 28 percent; and everyday grocery items, like eggs, milk, and chicken, are all significantly higher.

These numbers have real consequences for not only Orange County families I represent, but nationwide. We need to get our spending under control or these problems will only continue to get worse.

Madam Speaker, I will continue to fight against these policies that are making life for Americans more expensive.

OVERDOSE DEATHS REACH RECORD HIGH

(Mr. GROTHMAN asked and was given permission to address the House for 1 minute.)

Mr. GROTHMAN. Madam Speaker, we got horrible news yesterday; for the first time in the United States, over 100,000 people died from illegal drugs. When I got here 6 years ago, that number was 47,000. By comparison, in 12 years, only 58,000 died in the Vietnam War. Almost twice as many people die in this country every year from illegal drug overdose than died in the entire 12-year period of the Vietnam War.

Today, we look at a major bill, the Build Back Better Act, and we look at what is the effect of the Build Back Better Act on 100,000 deaths. In this bill, we are encouraging more illegal immigration; we are taking more Border Patrol agents off the border and processing young people. And finally, in this bill we are encouraging more people to come here, which inevitably means more fentanyl, more deaths.

Madam Speaker, I ask the majority party to please step back, change the bill to add a few more Border Patrol agents, and change the bill to get out the carrots that are going to encourage more fentanyl and more deaths.

VACCINE MANDATE CONCERNS

(Mr. ROSE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROSE. Madam Speaker, today, I come to the House floor to speak on behalf of business owners and employees and healthcare providers and employees at Cookeville Regional Medical Center who are concerned about President Biden’s unconstitutional vaccine mandate.

If the Biden administration mandate is allowed to take effect, there is a strong possibility that Cookeville Regional Medical Center, the hospital in my hometown where I was born and where my two sons were born, will not have the staff necessary to carry on normal operations.

The Biden administration’s plan to mandate vaccines will devastate medical facilities throughout the country. Let me be clear. President Biden’s mandates on medical facilities will dramatically exacerbate the current medical worker shortage in my State and in my district.

While I encourage everyone to consult with their doctors and consider joining me in being vaccinated, it is not the Federal Government’s place, under the current circumstances, to mandate a vaccine. That is why I am calling on President Biden to end his indiscriminate vaccine mandate.
Mr. CICILLINE asked and was given permission to address the House for 1 minute.

Mr. CICILLINE. Madam Speaker, we are at critical crossroads as we work to recover after the health and economic crises caused by the COVID-19 pandemic here at home and around the world.

As we look to our future, we are going to build back better to create an economy that works for every American and all families that leaves no one behind. This is a once-in-a-generation opportunity to transform the lives of millions of Americans by reducing costs for everything from prescription drugs to childcare; creating good-paying union jobs by addressing the urgency of the climate crisis; cutting taxes for working families; and making sure that none of these investments add to the deficit by making the wealthiest individuals and largest corporations pay their fair share in taxes.

Madam Speaker, I urge all of my colleagues to support this investment in our Nation’s future.

BUILD BACK BETTER ACT

Mr. YARMUTH. Madam Speaker, pursuant to House Resolution 774, I call up the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14, and ask for its immediate consideration in the House.

The Clerk reads the title of the bill. The SPEAKER pro tempore.

Mr. CICILLINE. Madam Speaker, pursuant to House Resolution 774, I call up the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14, and ask for its immediate consideration in the House.

The Clerk reads the title of the bill. The SPEAKER pro tempore.

Mr. CICILLINE. Madam Speaker, pursuant to House Resolution 774, I call up the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14, and ask for its immediate consideration in the House.

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The Clerk reads the title of the bill. The SPEAKER pro tempore.
accomplish other recreation outcomes on National Forest System lands, if the opportunities are compatible with the primary restoration purposes of the project.

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

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

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

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

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

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

(4) inconsistent with the applicable land management plan;

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

(6) carried out on any land that is National Forest System land, including other forested land on Federal, State, Tribal, or private land.

(d) DEFINITIONS.—In this section:

(1) AT-RISK COMMUNITY.—The term “at-risk community” means, with respect to a project located exclusively on National Forest System land, that the project is developed and implemented through a collaborative process that—

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

(B) is transparent and nonexclusive; or

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

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

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

(B)(i) is transparent and nonexclusive; or

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

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

(A) reestablishing native vegetation on the road:

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

(C) effectively blocking the road to vehicular traffic in a feasible manner;

(4) ECological INTEGRITY.—The term “ecological integrity” has the meaning given the term in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

(5) HAZARDOUS FUELS REDUCTION PROJECT.—The term “collaboratively developed” means, with respect to a project located exclusively on National Forest System land, that the project is developed and implemented through a collaborative process that—

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

(B)(i) is transparent and nonexclusive; or

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

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

(7) RESTORATION PROJECT.—The term “restoration project” means an activity carried out on National Forest System land to enhance the ecological integrity and achieve the purposes of a forest ecosystem through the removal of vegetation, the use of prescribed fire, the restoration of aquatic habitats, or the decommissioning of an unauthorized, temporary, or system road.

(8) WATER SOURCE MANAGEMENT PLAN.—The term “water source management plan” means a plan developed by the Cooperative Forestry Assistance Act of 2013 (16 U.S.C. 6542a(d)).

(9) WILDERNESS PROTECTION AND RESTORATION ACTION PLAN.—The term “wilderness protection and restoration action plan” means a plan developed under section 304(a)(3) of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6542a(d)).

(10) WILDLAND-URBAN INTERFACE.—The term “wildland-urban interface” has the meaning given the term in the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511).

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

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

SEC. 11002. NON-FEDERAL LAND FOREST RESTORATION AND FUELS REDUCTION PROGRAM.

(1) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2023—

(1)(A) $2,000,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to support, design, implement, and fund restoration and fuels reduction projects, including projects to reduce the risk of wildfires and establish defensible space around structures within at-risk communities (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(B) $1,000,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to implement vegetation management plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

(2) $1,000,000,000 to award grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations to implement vegetation management plans (as defined in section 101 of the Healthy Forests Restoration Act of 2003 (16 U.S.C. 6511));

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

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

(5) $150,000,000 for the State Fire Assistance and Volunteer Fire Assistance programs established under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a); and

(6) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program a cost share to support the participation of underserved forest landowners in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(7) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) for providing through that program grants to support the participation of forest landowners who own less than 2,500 acres of forest land in emerging private markets for climate mitigation or forest resilience, subject to the condition that subsection (h) of that section shall not apply;

(8) $250,000,000 for the competitive grant program under section 13A of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 2109a) to award grants to States and other eligible entities to provide payments for non-Federal forested land for implementation of forestry practices on private forest land, that are determined by the Secretary, based on the best available science, to provide net benefits in carbon sequestration and storage beyond customary practices on comparable land, subject to the condition that subsection (h) of that section shall not apply;

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

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

(9) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for activities and tactics to accelerate and expand the adoption of the forest carbon monitoring technologies to better predict changes in forest carbon due to climate change;

(10) $100,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) to carry out recommendations from a panel of experts convened by the Secretary that has reviewed and, based on the review, issued recommendations regarding the current priorities of the forest inventory and analysis program with respect to climate change, forest health, sustainable wood products, and increasing carbon storage in forests;

(11) $50,000,000 for the forest inventory and analysis program established under section 3(e) of the Forest and Rangeland Renewable Resources Research Act of 1978 (16 U.S.C. 1642(e)) for providing through that program grants to Tribal, State, or local governments or the government of the District of Columbia, regional organizations, special districts, or nonprofit organizations for projects on non-Federal land to expand equitable outdoor access and promote tourism on non-Federal forested land for members of underserved groups; and

(12) $775,000,000 to provide grants under the wood innovation grant program under section 3(e) of the Agriculture Improvement Act of 2018 (7 U.S.C. 7655d), including for the construction of new facilities that advance the purposes of the program, subject to the condition that not less than $3,000,000; notwithstanding subsection (d) of that section, a recipient of such a grant shall provide funds equal to not less than 50 percent of the grant amount received under the grant, to be derived from non-Federal sources; and a priority shall be placed on projects that create a financial model for addressing forest restoration needs in public or private lands.

(13) $50,000,000 for the research mission area of the Forest Service to carry out greenhouse...
gas life cycle analyses of domestic wood products.

(b) FUNDING FOR RESTORATION ON NON-FEDERAL AREAS BY STATES.—The Secretary may use amounts made available by this section to carry out eligible projects as determined by the Secretary, authorized in subsection (a) on non-Federal land upon the request of the Governor of that State, or, in the case of the District of Columbia, the Mayor.

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

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

SEC. 11003. STATE AND PRIVATE FORESTRY CONSERVATION PROGRAMS.

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

(1) $1,250,000,000 to provide competitive grants to States through the Forest Legacy Program established under section 7 of the Cooperative Forestry Assistance Act of 1978 (16 U.S.C. 210c) to acquire land and interests in land, with priority given to grant applications that offer significant natural carbon sequestration benefits, contribute to the resilience of community infrastructure, local economies, or natural systems, or provide benefits to underserved populations;

(2) $820,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

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

(b) WAIVER.—Any non-Federal cost-share requirement otherwise applicable to projects carried out under this section may be waived at the discretion of the Secretary.

SEC. 11004. LIMITATIONS.

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

(1) enter into any agreement—

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

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

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

SEC. 11005. APPROPRIATIONS.

In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000 to remain available until September 30, 2031, to carry out section 6070 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a) and this section, subject to the condition that the performance of any construction work completed with amounts provided under this section meet the condition described in section 9003(f) of such Act (7 U.S.C. 8103(f)).

(b) USE OF FUNDS.—(1) IN GENERAL.—Except as provided in paragraph (2) of this subsection, at the election of an eligible entity (as defined in section 6070(b) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a)) to which a loan is made under section 6070(c) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(c)), the Secretary shall make a grant to the eligible entity in an amount equal to not more than 5 percent of the loan amount for the purposes of costs incurred in—

(A) applying for a loan received under section 6070(c) of such Act;

(B) making a loan under section 6070(d) of such Act;

(C) making repairs to the property of a qualified consumer that facilitate the energy efficiency measures for the property financed through a loan under section 6070(d) of such Act;

(D) entering into a contract under section 6070(e) of such Act; or

(E) carrying out the duties of an eligible entity under section 6070 of such Act.

(2) PERSISTENT POVERTY COUNTIES.—In the case that the grant is for the purpose of making a loan under section 6070(d) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a(d)) to a qualified consumer (as defined in section 6070(b) of such Act) in a persistent poverty county (as determined by the Secretary), the percentage limitation in paragraph (1) of this subsection shall be 10 percent.

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

SEC. 12005. RURAL ENERGY FOR AMERICA PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, for eligible projects under section 9007 of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8107a) to a qualified consumer (as defined in section 6070(b) of such Act) in a persistent poverty county (as determined by the Secretary), the percentage limitation in paragraph (1) of subsection (a) of this section that could result in disbursements after September 30, 2031, or any grant agreement pursuant to this section that could result in any outlays after September 30, 2031—

(1) $829,250,000 for fiscal year 2022, to remain available until September 30, 2031; and

(2) $180,176,500, for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

(b) UNDERUTILIZED RENEWABLE ENERGY TECHNOLOGIES.—In addition to amounts otherwise available, there is appropriated to the Secretary, out of any money in the Treasury not otherwise appropriated, to provide grants and loans guaranteed by the Secretary (including the costs of such loans) under the program described in subsection (a) of this section relating to underutilized renewable energy technologies, and to provide technical assistance for applying to the program described in subsection (a) of this section, including for underutilized renewable energy technologies, subject to the conditions that the performance of any construction work completed with amounts provided under this subsection meet the condition described in section 9003(f) of such Act (7 U.S.C. 8103(f)), and the amount of a grant shall not exceed 50 percent of the cost of the activity carried out using the grant funds.
the cost of the activity carried out using the grant funds, and to the extent the following amounts remain available at the end of each fiscal year, the Secretary shall use such amounts in accordance with subsection (a) of this section—

(1) $144,750,000 for fiscal year 2022, to remain available until September 30, 2023; and
(2) $873,000,000 for each of fiscal years 2023 through 2027, to remain available until September 30, 2031.

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

SEC. 12006. BIOFUEL INFRASTRUCTURE AND AGRICULTURAL PRODUCT MARKET EXPANSION.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $900,000,000, to remain available until September 30, 2023, to carry out this section.

(b) USE OF FUNDS.—The Secretary shall use the amounts made available by subsection (a) to provide grants, for which the Federal share shall be not more than 75 percent of the total cost of the project for which the grant is provided, on a competitive, basis, to transportation fueling facilities and distribution facilities, including fueling stations, convenience stations, hypermarkets, retailer fueling stations, fleet fueling stations, and emergency fueling stations, fleet fueling stations, and emergency fueling stations, mid-stream partners, and heating oil distribution facilities or equivalent entities, subject to the condition that the performance of any construction work completed with amounts provided under this section shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f))—

(1) to install, retrofit, or otherwise upgrade fuel dispensers or pumps and related equipment, storage tank system components, and other infrastructure required at a location related to dispensing certain biofuels blends to ensure the increased sales of fuels with high levels of commodity-based ethanol and biodiesel that are at or greater than the levels required in the Notice of Funding Availability for the Higher Blends Infrastructure Incentive Program for Fiscal Year 2022; and
(2) to build and retrofit distribution systems for ethanol, biodiesel, and compressed natural gas, and biodiesel terminal operations (including rail lines), and home heating oil distribution centers or equivalent entities.

(A) to blend biodiesel; and
(B) to carry ethanol and biodiesel.

(c) LIMITATION.—The Secretary may not limit the amount of funding an eligible entity may receive under this section.

SEC. 12007. USDA ASSISTANCE FOR RURAL ELECTRIC COOPERATIVES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $873,000,000, to remain available until September 30, 2023, for the long-term resiliency, reliability, and affordability of rural electric systems, by providing to an eligible entity (defined as an electric cooperative described in section 301(c)(12) or 381(c)(2) of the Internal Revenue Code of 1986 and is or has been a Rural Utilities Service electric loan borrower pursuant to the Rural Electrification Act of 1936 or an electric cooperative (as determined by the Secretary) that provides electric service to served areas predominantly rural areas) assistance under paragraphs (1) and (2) by awarding such assistance to eligible entities for purposes described in section 310(b) of the Consolidated Farm and Rural Development Act (provided that the term renewable energy system in that paragraph has the meaning given such term in section 9001(16) of the Farm Security and Rural Investment Act of 2002) and for carbon capture and storage systems, that will achieve the greatest—

(1) grant reduction in the GHG emissions associ- ated with rural electric systems using such as- sistance and that will otherwise aid disadvan- taged rural communities (as determined by the Secretary) in the likelihood of success on the proposed projects, as determined by the Secretary; and
(2) making grants for debt relief and other costs associated with terminating, after the date of enactment of this Act, all or a portion of the amount made available by this section.

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

(c) ELIGIBLE APPLICANTS.—The Secretary may allocate, for each State and for Tribal government, a formula pursuant to which the Secretary shall allocate, for each State and for Tribal government, an amount to be provided under this subsection, subject to the condition that any construction work completed with amounts provided under this section shall meet the condition described in section 9003(f) of the Farm Security and Rural Investment Act of 2002 (7 U.S.C. 8103(f))—

(1) to support activities of the recipient relat- ing to—
(A) development and pre-development activities and projects.
(B) organizational operating expenses related to the rural development activities for which the grant was provided.
(C) implementing planned rural development activities and projects.

(2) to support the recipient of a grant under subsection (a) that is a qualified nonprofit organization that serves rural areas (as determined by the Secretary) or an institution of higher education that serves rural areas (as determined by the Secretary), subject to the condition that the recipient of such grant shall con- tribute a non-Federal match of 20 percent of the amount of the grant, within the time period described in paragraph (5).

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

(1) to carry out activities and projects.
(2) to carry out activities and projects.
(3) to carry out activities and projects.
(4) to carry out activities and projects.
SEC. 12009. ADDITIONAL USDA RURAL DEVELOPMENT ADMINISTRATIVE FUNDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $553,000,000, to remain available until September 30, 2023, for administrative costs and salaries and expenses for the Rural Development mission area and expenses of the agencies and offices of the Department for accomplishing this purpose.

PART 2—AGRICULTURAL CREDIT AND OUTREACH

SEC. 12101. ASSISTANCE FOR CERTAIN FARM LOAN BORROWERS.

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

"SEC. 1005. ASSISTANCE FOR CERTAIN FARM LOAN BORROWERS.

"(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of amounts in the Treasury not otherwise appropriated, to remain available until September 30, 2021—

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

"(2) $1,020,000,000 to provide payments or loan modifications or otherwise carry out the authorities in section 5151(b)(4) of the Consolidated Farm and Rural Development Act (7 U.S.C. 1981(b)(4)), using a centralized process administered from the national office, for Farm Service Agency direct loan and loan guarantee payments to three borrowers, focusing on borrowers who are at risk (as determined by the Secretary of Agriculture using factors that may include whether the borrower lost farmland to foreclosure or seizure, the amount of payments received by the borrower during calendar years 2020 and 2021 under the Coronavirus Food Assistance Program of the Department of Agriculture, and other factors, as determined by the Secretary).

"(b) PAYMENTS.—

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

"(2) OTHER PAYMENTS.—

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

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

"(ii) $150,000.

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

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

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

"(c) DEFINITIONS.—In this section:

"(1) ECONOMICALLY DISTRESSED BORROWER.—The term ‘economically distressed borrower’ means a farmer or rancher that was 90 days or more delinquent with respect to an eligible farm debt as of April 30, 2021; and

"(2) ELIGIBLE FARM DEBT.—

"(A) IN GENERAL.—The term ‘eligible farm debt’ means a debt owed to the United States by a farmer or rancher that was issued as a direct loan or loan guarantee under the Consolidated Farm and Rural Development Act (7 U.S.C. 1981) through 1970 and was outstanding or otherwise not paid as of December 31, 2020, or July 31, 2021.

"(B) AMOUNT.—The amount of eligible farm debt with respect to a borrower shall be equal to the amount of eligible farm debt outstanding as of a date determined by the Secretary, but no sooner than the date of enactment of the Act entitled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’.

"(C) SECRETARY.—The term ‘Secretary’ means the Secretary of Agriculture.

"(d) LIMITATION.—The Secretary shall not enter into any loan agreement pursuant to this section that could result in disbursements after September 30, 2021 or any grant agreement pursuant to this section that could result in outlays after September 30, 2021.

SEC. 12102. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

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

"SEC. 1006. USDA ASSISTANCE AND SUPPORT FOR UNDERSERVED FARMERS, RANCHERS, AND FORESTERS.

"(a) TECHNICAL AND OTHER ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000 for a program to provide financial assistance to farmers, ranchers, and forest landowners determined to have experienced discrimination for any activity authorized under this section, except subsections (c) and (f).

"(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Agriculture for fiscal year 2022, to remain available until September 30, 2031, out of any money in the Treasury not otherwise appropriated, $35,000,000 for administrative costs, including costs of the agencies and offices of the Department of Agriculture to carry out this section.
SEC. 12001. DEPARTMENT OF AGRICULTURE RESEARCH FUNDING.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there are appropriated to the Secretary of Agriculture from money in the Treasury not otherwise appropriated, to remain available until September 30, 2023, for the following:

(1) to the National Agricultural Statistics Service, for measurements, a survey, and data collection to conduct the study required under section 7212(b) of the Agriculture Improvement Act of 2018 (Public Law 115–334; 132 Stat. 4812), which shall be completed not later than December 31, 2022, $5,000,000 for fiscal year 2022;

(2) to the National Institute of Food and Agriculture (A) to fund agricultural education, extension, and research relating to climate change—

(i) through the Agriculture and Food Research Initiative established by subsection (b) of the Competitive, Special, and Facilities Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(ii) through the sustainable agriculture research and extension initiative established under section 1672(b) of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925g), $60,000,000 for fiscal year 2022;

(iii) through the urban, indoor, and other emerging agricultural production research, education, and extension initiative established under section 1672E of the Food, Agriculture, Conservation, and Trade Act of 1990 (7 U.S.C. 5925m), $50,000,000 for fiscal year 2022;

(iv) through the specialty crop research and extension initiative established by section 412 of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7632), $60,000,000 for fiscal year 2022;

(v) through the cooperative extension under the Smith–Levi Act (7 U.S.C. 341 through 349) for agricultural extension activities and research relating to climate change, technical assistance, and technology adoption, $80,000,000 for fiscal year 2022;

(vi) through the cooperative extension at 1890 Institutions in accordance with section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3222a), $15,000,000 for fiscal year 2022;

(vii) through the cooperative extension at 1862 Institutions under section 1445 of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3222b), $5,000,000 for fiscal year 2022;

(viii) through the cooperative extension at 1890 Institutions in accordance with section 1444 of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3222a), $100,000,000 for fiscal year 2022;

(ix) to the Higher Education Multicultural Scholars Program (as defined in section 1417 of that Act (7 U.S.C. 5152)), $15,000,000 for fiscal year 2022;

(x) to the Office of the Chief Scientist, to carry out the research and development activities to conduct the Agricultural Research, Extension and Development Authority under section 1473H of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3116), $30,000,000 for fiscal year 2022;

(xi) to the Office of University and Agricultural Extension Education, for activities relating to the Foundation for Food and Agricultural Research, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xii) to the Office of University and Agricultural Extension Education, for activities relating to the Office of the Chief Scientist, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xiii) to the Office of University and Agricultural Extension Education, for activities relating to the Foundation for Food and Agricultural Research, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xiv) to the Office of University and Agricultural Extension Education, for activities relating to the Office of the Chief Scientist, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xv) to the Office of University and Agricultural Extension Education, for activities relating to the Foundation for Food and Agricultural Research, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xvi) to the Office of University and Agricultural Extension Education, for activities relating to the Office of the Chief Scientist, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xvii) to the Office of University and Agricultural Extension Education, for activities relating to the Foundation for Food and Agricultural Research, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xviii) to the Office of University and Agricultural Extension Education, for activities relating to the Office of the Chief Scientist, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xix) to the Office of University and Agricultural Extension Education, for activities relating to the Foundation for Food and Agricultural Research, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(x) to the Office of University and Agricultural Extension Education, for activities relating to the Office of the Chief Scientist, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(xx) to the Office of University and Agricultural Extension Education, for activities relating to the Foundation for Food and Agricultural Research, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(lll) to the Office of University and Agricultural Extension Education, for activities relating to the Office of the Chief Scientist, to carry out activities relating to climate change in accordance with section 3(b)(1)(A) of that Act (7 U.S.C. 3361) (relating to institutions of higher education), $5,000,000 for fiscal year 2022;

(2) PAYMENT RATE.—The payment rate used to determine the payment to be made to producers for each of the 2022 crop years, if such funds are not expressly authorized or otherwise available, is $40,000,000 for fiscal year 2022.

(3) Interpretation.—(A) In general.—The term "covered institution" means—

(i) an 1890 Institution (as defined in section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3156));

(ii) an HBCU (as defined in section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3156));

(iii) an HSU (as defined in section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3156));

(iv) an Alaska Native-serving institution or Native Hawaiian-serving institution eligible to receive grants under subsections (a) and (b), respectively, of section 1419B of the National Agricultural Research, Extension, and Teaching Policy Act of 1997 (7 U.S.C. 3156); and

(B) any other institution that is for a term extending beyond September 30, 2023, or

(4) to the Secretary to satisfy obligations initially made under this subtitle, subject to the condition that notwithstanding section 3(c)(2)(A) of that Act (7 U.S.C. 390c(a)(2)(A)), the recipient of a grant provided using those amount shall not be required to provide any non-Federal share of total funding provided under this subsection.

(3) SECURITY.—The appropriation provided under this section shall be subject to the conditions that, for purposes of providing payments under subsections (b), (c), and (d), the Secretary shall not—

(1) enter into any agreement—

(A) that is for a term extending beyond September 30, 2023; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this subtitle.
The condition that an owner of a farm may not receive a payment under this subsection and subsection (b) for the same farm or acres, as determined by the Secretary.

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

(iii) in paragraph (3), by striking ''fiscal year 2023'' each place it appears and inserting ''2031''; and

(ii) by striking ''2023'' each place it appears and inserting ''2031'';

(4) Section 1240L(h)(2)(A) of the Food Security Act of 1985 (16 U.S.C. 3839aa–8) is amended by striking ''2023'' and inserting ''2031''; and

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

(2) in paragraph (3), by striking ''2023'' and inserting ''2031''; and

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

(ii) in paragraph (2), by striking ''2023'' and inserting ''2031''; and

(1) in paragraph (2)(a), by striking ''2022'' and inserting ''2031'';

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

(ii) $250,000,000 for fiscal year 2022;

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

(iii) by substituting ''$9,000,000'' for ''$25,000,000''

(1) PAYMENT AMOUNT.—The Secretary shall—


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

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

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

(1) $3,000,000,000 for fiscal year 2023; and

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

(2) to carry out, using the facilities and authorities of the Commodity Credit Corporation, the conservation stewardship program under section 1240B of the Food Security Act of 1985 (16 U.S.C. 3839aa–21) through 3839aa–25)—

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

(i) that the Secretary—

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

(4) in paragraph (2), by striking ''fiscal year 2023'' and inserting ''2031'';

(2) AVAILABILITY OF PAYMENTS FOR PREVIOUSLY ELIGIBLE FARMERS.—To the extent that no such funds may be disbursed after September 30, 2031, or (b) in subsection (b)(2)—

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

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

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

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

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

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

(ii) $2,250,000,000 for fiscal year 2025; and

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

(iii) $1,500,000,000 for fiscal year 2024;

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

(iii) otherwise use the acres for which insurance was purchased; and

(i) the funds shall only be available for—

(i) the prevented planting indemnity payment under section 508(d) of the Federal Crop Insurance Act (7 U.S.C. 1508(d)) for the crop year for which the insurance policy was purchased, as determined by the Secretary; and

(1) APPROPRIATIONS.—In addition to amounts otherwise available (and subject to subsection (b)), there are appropriated to the Secretary of Agriculture (referred to in this section as the "Secretary") for fiscal year 2022—

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

(ii) the prevented planting indemnity payment received by the producer under that section and the policy purchased by the producer for the applicable crop year purchased by the Secretary under section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508a), as determined by the Secretary; and

(iii) in paragraph (2)(B), by striking ''2023'' and inserting ''2031''

(ii) $1,000,000,000 for fiscal year 2023; and

(i) In general.—Of the funds made available under subsection (a) for the crop year for which the insurance policy was purchased, as determined by the Secretary; and

(ii) from among the projects and activities that are available under this section, prioritizing projects and activities that—

(iii) in paragraph (2)(C), by striking ''2023'' and inserting ''2031''; and

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

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

(iii) otherwise use the acres for which insurance was purchased; and

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

(iii) the condition that an owner of a farm may not receive a payment under this subsection and subsection (b) for the same farm or acres, as determined by the Secretary.

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

(iii) the condition that an owner of a farm may not receive a payment under this subsection and subsection (b) for the same farm or acres, as determined by the Secretary.

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

(i) increase the amount of insurance purchased, as determined by the Secretary; and

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

(i) the funds shall only be available for—

(i) increased the crop insurance policy or plan of insurance under section 508(c) of the Federal Crop Insurance Act (7 U.S.C. 1508(c)) for the crop year for which the insurance policy was purchased, as determined by the Secretary; and

(i) by substituting ''$9,000,000'' for ''$25,000,000''

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

(ii) by substituting ''2023'' for ''2022''; and

(ii) the prevented planting indemnity payment received by the producer under that section and the policy purchased by the producer for the applicable crop year purchased by the Secretary under section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508a), as determined by the Secretary; and

(ii) the prevented planting indemnity payment received by the producer under that section and the policy purchased by the producer for the applicable crop year purchased by the Secretary under section 508A of the Federal Crop Insurance Act (7 U.S.C. 1508a), as determined by the Secretary; and

(ii) by striking ''Secretary'' and inserting ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031 subject to the condition that no such funds may be disbursed after September 30, 2031.

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

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

(i) the condition that an owner of a farm may not receive a payment under this subsection and subsection (b) for the same farm or acres, as determined by the Secretary.

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

(iii) $200,000,000 for fiscal year 2023;

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

(iii) $1,500,000,000 for fiscal year 2023;

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

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

(ii) by striking ''Secretary'' and inserting ''Secretary'') for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30,
2031 (subject to the condition that no such funds may be disbursed after September 30, 2021)—

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants to the development and support of Grow Your Own Programs, as described in section 202(g) of the Higher Education Act of 1965.

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

(1) enter into any agreement—

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

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

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

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

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

PART II—EDUCATION AND LABOR

Subtitle A—Education Matters

PART 1—ELEMENTARY AND SECONDARY EDUCATION

SEC. 20001. GROW YOUR OWN PROGRAMS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants to the development and support of Grow Your Own Programs, as described in section 202(g) of the Higher Education Act of 1965.

(b) SEC. 20002. TEACHER RESIDENCIES.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants for the development and support of high-quality teaching residency programs, as described in section 202(e) of the Higher Education Act of 1965 (20 U.S.C. 1022a(e)), except that this section shall also be available for residency programs for prospective teachers in a bachelor’s degree program.

SEC. 20003. SUPPORT SCHOOL PRINCIPALS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants for the development and support of school leadership programs, as described in section 2423 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673).

SEC. 20004. HAWKINS.

In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $112,266,000, to remain available through September 30, 2025, to award grants for the development and support of school leadership programs, as described in section 2423 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 6673).

SEC. 20005. GRANTS TO INCREASE NUMBER OF INDIVIDUALS WITH DISABILITIES EDUCATION PERSONNEL DEVELOPMENT.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $169,776,000, to remain available until September 30, 2025, for personnel development described in section 652 of the Individuals with Disabilities Education Act (20 U.S.C. 1462).

SEC. 20006. GRANTS FOR AMERICAN LANGUAGE TEACHERS AND EDUCATORS.

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

SEC. 803D. GRANTS FOR NATIVE AMERICAN LANGUAGE TEACHERS AND EDUCATORS.

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

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

PART 2—HIGHER EDUCATION

SEC. 20021. INCREASING THE MAXIMUM FEDERAL PELL GRANT.

(a) AWARD YEAR 2022–2023.—Section 401(b)(7) of the Higher Education Act of 1965 is amended—

(1) in subparagraph (A)(iii), by inserting “and such sums as may be necessary for fiscal year 2022 to carry out the $550 increase for enrollment in institutions of higher education defined in section 101 or 102(a)(1)(B) provided under subparagraph (C)(iii)” before “;”;

(2) in subparagraph (C)(iii), by inserting before the period at the end thereof the following: “; except that, for award year 2022–2023, such amount shall be equal to the amount determined under clause (ii) for award year 2017–2018, increased by 4%;”;

(b) SUBSEQUENT AWARD YEARS THROUGH 2025–2026.—Section 401(b) of the Higher Education Act of 1965, as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–90), is amended—

(1) in paragraph (5)—

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

(B) by redesignating clause (ii) as clause (iii); and

(C) by inserting after clause (ii) the following:

“(ii) for each of fiscal years 2023 through 2025, an additional $560 for enrollment at institutions of higher education defined in section 101 or 102(a)(1)(B);”;

(2) in paragraph (6)—

(A) in clause (i), by striking “appropriate” and inserting the following: “appropriate—”;

(B) by striking paragraph (7) and inserting the following:

“(ii) such sums as are necessary to carry out paragraph (5)(A)(iii) for each of fiscal years 2023 through 2025,”;

(c) INCREASED FUNDING FOR INDIAN RESERVATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for the period beginning on the date of enactment of the Higher Education Act of 1965, as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–90), to—

(1) increase the maximum Pell Grant for an eligible student to $16,050 for the academic year 2023–2024, subject to the condition that no such funds shall be used for the period at the end the following:”, except that, for award year 2022–2023, such amount shall be equal to the amount determined under clause (ii) for award year 2017–2018, increased by 4%;

(2) increase the maximum Pell Grant for an eligible student to $16,360 for the academic year 2024–2025, subject to the condition that no such funds shall be used for the period at the end the following:”, except that, for award year 2023–2024, such amount shall be equal to the amount determined under clause (ii) for award year 2018–2019, increased by 4%;

(3) increase the maximum Pell Grant for an eligible student to $16,670 for the academic year 2025–2026, subject to the condition that no such funds shall be used for the period at the end the following:”, except that, for award year 2024–2025, such amount shall be equal to the amount determined under clause (ii) for award year 2019–2020, increased by 4%.

(d) INCREASED FUNDING FOR CONGRESSIONAL DISTRICTS.—In addition to amounts otherwise available, there is appropriated to the Secretary for the period beginning on the date of enactment of the Higher Education Act of 1965, as amended by section 703 of the FAFSA Simplification Act (title VII of division FF of Public Law 116–90), to—

(1) increase the maximum Pell Grant for an eligible student to $16,050 for the academic year 2023–2024, subject to the condition that no such funds shall be used for the period at the end the following:”, except that, for award year 2022–2023, such amount shall be equal to the amount determined under clause (ii) for award year 2017–2018, increased by 4%;

(2) increase the maximum Pell Grant for an eligible student to $16,360 for the academic year 2024–2025, subject to the condition that no such funds shall be used for the period at the end the following:”, except that, for award year 2023–2024, such amount shall be equal to the amount determined under clause (ii) for award year 2018–2019, increased by 4%;

(3) increase the maximum Pell Grant for an eligible student to $16,670 for the academic year 2025–2026, subject to the condition that no such funds shall be used for the period at the end the following:”, except that, for award year 2024–2025, such amount shall be equal to the amount determined under clause (ii) for award year 2019–2020, increased by 4%.
(1) in the third year of a grant, not less than 15 percent of the grant amount awarded to such eligible entity for such year; and
(2) in the fourth year and each subsequent year of the grant period, not less than 15 percent of the grant amount awarded to such eligible entity for such year.

(f) GENERAL REQUIREMENT.—An eligible entity shall use a grant under this section only to carry out activities described in the application for such year under subsection (b).

(g) EVIDENCE-BASED REFORMS OR PRACTICES.—An eligible entity receiving a grant under this section shall, directly or in collaboration with institutions of higher education and other non-profit organizations, use the grant funds to implement one or more of the following evidence-based reforms or practices:
(1) Providing comprehensive academic, career, and student support services, including mentoring, advising, or case management services,
(2) Providing assistance in applying for and accessing direct support services, financial assistance, or means-tested benefit programs to meet the basic needs of students,
(3) Providing accelerated learning opportunities, including dual or concurrent enrollment programs and early college high school programs,
(4) Reforming remedial or developmental education, course scheduling, or credit-award policies,
(5) Improving transfer pathways between—
(A) in the case of an eligible entity that is a State, community college or community college system of institutions of higher education in the State; and
(B) in the case of an eligible entity that is a State, system of institutions of higher education, institutional cooperation between States, a Tribal College or University, or systems of institutions of higher education in the State in which the institution is located; or
(C) in the case of a Tribal College or University, between the Tribal College or University and other institutions of higher education,
(6) SUPPLEMENT, NOT SUPPLANT.—Funds made available under this part shall be used to supplement, and not supplant, other Federal, State, local, Tribal, and institutional funds that would otherwise be expended to carry out activities described in this section.

(i) DEFINITIONS.—In this section:
(1) ELIGIBLE ENTITY.—The term ‘eligible entity’ means a State, a system of institutions of higher education, or a Tribal College or University.

(2) EVIDENCE TIER.—The term ‘evidence tier’ means a tier of evidence that meets the criteria for receiving an expansion grant from the education innovation and research program under section 461(a)(2)(C) of the Elementary and Secondary Education Act of 1965, as determined by the Secretary in accordance with such section.

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

(4) INSTITUTION OF HIGHER EDUCATION.—The term ‘institution of higher education’ has the meaning given the term in section 101 or 102(a)(1)(B).

(5) STATE.—The term ‘State’ means each of the 50 States of the United States, the District of Columbia, the Commonwealth of the Northern Mariana Islands, and the Freely Associated States.

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

(7) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—
(1) $310,000,000 to remain available until September 30, 2030, to award competitive grants to eligible entities that are not Tribal Colleges and Universities to carry out the approved activities described in the applications submitted under subsection (b);
(2) $470,640,000, to remain available until September 30, 2030, to supplement the competitive grant amounts awarded to eligible entities with funds available under paragraph (1) and to implement reforms or practices that meet evidence tier 1;
(3) $47,500,000 to remain available until September 30, 2029, to supplement the competitive grant amounts awarded to eligible entities with funds available under paragraphs (1) and (2) to implement reforms or practices that meet evidence tier 2 or evidence tier 3.

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

(l) INAPPLICABILITY OF GEPA CONTINGENT EXTENSION OF PROGRAMS.—Section 422 of the General Education Provisions Act shall not apply to this section.
(11) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2022; (12) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2023; (13) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2024; (14) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2025; (15) $141,120,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2026; (16) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2027; (17) $70,560,000, to remain available until September 30, 2028, for carrying out section 371(b)(2)(D)(i) of the Higher Education Act of 1965 in fiscal year 2028.

SEC. 20062. RESEARCH AND DEVELOPMENT INFRASTRUCTURE FUNDS. Title III of the Higher Education Act of 1965 is amended—

(a) by redesigning part G as part H; and
(b) by inserting after section 371 the following:

"PART G—IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS"

"SEC. 381. IMPROVING RESEARCH & DEVELOPMENT INFRASTRUCTURE FOR HISTORICALLY BLACK COLLEGES AND UNIVERSITIES, TRIBAL COLLEGES AND UNIVERSITIES, AND MINORITY-SERVING INSTITUTIONS."

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

(1) an institution that—

(A) is described in section 371(a); and

(B) is a 4-year institution; and

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

(2) an institution described in paragraph (1) acting on behalf of a consortium, which may include institutions classified as 'very high research activity' by the Carnegie Classification of Institutions of Higher Education, 2-year institutions of higher education (as defined in section 101), and other academic partners, philanthropic or governmental partners, and provided that the eligible institution is the lead member and fiscal agent of the consortium.

(b) AUTHORIZATION OF GRANT PROGRAMS. For the purpose of supporting research and development infrastructure at eligible institutions, the Secretary shall award, on a competitive basis, to eligible institutions—

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

(2) implementation grants for a period of not more than 5 years.

(c) APPLICATIONS.—

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

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

(d) PRIORITY IN AWARDS.—

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

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

(e) USE OF FUNDS.—

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

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

(B) a detailed description of how the institution would use research and development infrastructure funds to support and enhance institutional research and development infrastructure.

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

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

(B) Hiring and retaining faculty, students, research-related staff, or other personnel, including research personnel involved in teaching, using, or applying technology, equipment, or devices used to conduct or support research.

(C) Creating and supporting inter- and intra-institutional research centers (including formal and informal communities of practice) in fields of research for which research and development infrastructure funds have been awarded under this section, including research staff and purchasing supplies and equipment.

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

(g) SUNSET.

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

(A) planning grants under subsection (b)(1); and

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

2. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, AND FREELY ASSOCIATED STATES COLLEGE ACCESSES. Title VII of the Higher Education Act of 1965, as amended by the preceding Act, is further amended by adding at the end the following:

"PART G—COLLEGE ACCESS FOR STUDENTS IN OUTLYING AREAS"

"SEC. 782. NORTHERN MARIANA ISLANDS, AMERICAN SAMOA, UNITED STATES VIRGIN ISLANDS, AND FREELY ASSOCIATED STATES COLLEGE ACCESS."
for such Governors to award grants to eligible institutions that enroll eligible students to pay the difference between the tuition and fees charged for in-State students and the tuition and fees charged for out-of-State students on behalf of each eligible student enrolled in the eligible institution.

(B) Maximum student amounts.—The amount awarded to an eligible student under this section shall be—

"(1) not more than $13,000 for any one award year (as defined in section 481(a)(1)); and

"(2) not more than $12,000 in the aggregate.

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

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

(3) Grant authority.—The authority to make grants under this section shall expire at the end of award year 2029-2030.

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

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

(d) Definitions.—In this section:

"(1) Eligibility institution.—The term 'eligibility institution' means an institution that—

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

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

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

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

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

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

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

"(3) Institution of higher education.—The term 'Institution of Higher education' has the meaning given the term in section 101.

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

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

"(6) Appointments.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $91,742,000, to remain available until expended, for the Office of Inspector General of the Department of Education, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this Act.

Subtitle B—Labor Matters

SEC. 21001. DEPARTMENT OF LABOR.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,950,000,000, to remain available until expended, for the Office of Inspector General of the Department of Labor, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects funded under this Act.

SEC. 21002. NATIONAL LABOR RELATIONS BOARD.

In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to the National Labor Relations Board for fiscal year 2022, $350,000,000, to remain available until September 30, 2026, for carrying out the activities of the Board.

SEC. 21003. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION. In addition to amounts otherwise available, out of any money in the Treasury not otherwise appropriated, there is appropriated to the Equal Employment Opportunity Commission for fiscal year 2022, $321,000,000, to remain available until September 30, 2026, for carrying out investigations, enforcement, outreach, and related activities.

SEC. 21004. ADJUSTMENT OF CIVIL PENALTIES.

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

"(1) in subsection (a)—

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

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

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

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

(b) FAIR LABOR STANDARDS ACT OF 1938.—Section 16(e) of the Fair Labor Standards Act of 1938 (29 U.S.C. 215(e)) is amended—

"(1) in paragraph (1)(A)—

"(a) in clause (i), by striking "$11,000" and inserting "$12,270"; and

"(b) in clause (ii), by striking "$50,000" and inserting "$601,150";

"(2) in paragraph (2)—

"(A) in the first sentence, by striking "$1,100" and inserting "$2,740"; and

"(B) in the second sentence, by striking "$11,000" and inserting "$11,620".

(c) MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—Section 301(a)(1) of the Migrant and Seasonal Agricultural Worker Protection Act (29 U.S.C. 1853(a)(1)) is amended by striking "$1,000" and inserting "$25,790".

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

SEC. 21005. CIVIL MONETARY PENALTIES FOR PARITY VIOLATIONS.

(a) CIVIL MONETARY PENALTIES RELATING TO PARITY IN MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—Section 502(c)(10) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1132(c)(10)(A)) is amended—

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

"(2) in subparagraph (A)—

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

"(B) by striking "filing failure" and all that follows through "connection with the plan," and inserting "for any failure by such sponsor, administrator, or issuer, in connection with the plan;"

"(i) to meet the requirements of subsection (a)(1)(F), (b)(2), (c), or (d) of section 702 or section 701 or section 721(b)(1) with respect to genetic information; and

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

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

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

"(2) in subsection (b)—

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

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

"(C) by striking "$906(a)(1)" and inserting "$733(a)(1)".

(c) EFFECTIVE DATE.—The amendments made by this section shall apply—

"(1) in subsection (a), by striking "shall apply with respect to group health plans, or any health insurance issuer offering health insurance coverage in connection with such plan, for plan years beginning after the date of enactment of this Act; and

"(2) in subsection (b), by striking "subsection (c)(9)".
(1) by striking “SEC. 12. Any person” and inserting the following:

SEC. 12. PENALTIES.

(a) VIOLATIONS FOR INTERFERENCE WITH BOARD INVESTIGATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,600,000,000, to remain available until September 30, 2026, for carrying out the State grant activities authorized under section 7 of the Wagner-Peyser Act, which shall be allotted in accordance with section 6 of such Act, except that the allotments reserved under subparagraph (A) of section 134(c)(3) of such Act shall be applied by substituting “40 percent” for “10 percent”.

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

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

(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the bargaining process and other persons seeking to exercise rights guaranteed by such actions on the charging party or on other persons invoking such rights.

(2) the size of the employer.

(3) any previous unfair labor practices or other actions by the employer resulting in a penalty.

(4) the public interest.

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

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

Subtitle C—Workforce Development Matters

PART I—DEPARTMENT OF LABOR

SEC. 22001. DISCRETIONARY WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, which shall be allotted in accordance with section 133(c)(2)(A) of such Act and reserved under subsection (a) of section 133 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b)(1)(B) of section 133 of such Act for each local area to—

(1) career services authorized under subsection (c)(2) of section 134 of the Workforce Innovation and Opportunity Act, and including individualized career services described in section 134(c)(2)(A)(ii) of such Act;

(2) supportive services and needs-related payments authorized under paragraphs (2) and (3) of section 134(d) of the Workforce Innovation and Opportunity Act except that the requirements of subparagraphs (B) and (C) of paragraph (3) of such section shall not apply; and

(3) training services, including through individual training accounts, authorized under section 134(c)(3) of the Workforce Innovation and Opportunity Act, except that for purposes of providing incumbent worker training as part of such services under this section, if such training is provided to low-wage workers, section 134(d)(4)(A)(i) of such Act shall be applied by substituting “incumbent worker training”.

(b) CIVIL PENALTIES.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for youth workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act.

SEC. 22002. ADULT WORKER EMPLOYMENT AND TRAINING ACTIVITIES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000,000, to remain available until September 30, 2026, for carrying out the State grant activities authorized under section 7 of the Wagner-Peyser Act, which shall be allotted in accordance with section 6 of such Act, except that the allotments reserved under subparagraph (A) of section 134(c)(3) of such Act shall also be reserved and used for the Commonwealth of the Northern Mariana Islands and American Samoa in amounts the Secretary determines appropriate prior to the making of any such allotments in accordance with section 6 of such Act.

(b) CIVIL PENALTIES.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for adult workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act.

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

(1) the gravity of the actions of the employer resulting in the penalty, including the impact of such actions on the bargaining process and other persons seeking to exercise rights guaranteed by such actions on the charging party or on other persons invoking such rights.

(2) the size of the employer.

(3) any previous unfair labor practices or other actions by the employer resulting in a penalty.

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

Subtitle D—Title I of the Workforce Innovation and Opportunity Act

Title I—Adult Workforce Investment

SEC. 22003. YOUTH WORKFORCE INVESTMENT ACT.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000 for carrying out youth workforce investment activities authorized under section 129 of the Workforce Innovation and Opportunity Act, and allocated under subsection (b)(1)(B) of section 128 of such Act for each local area to—

(1) carry out the youth workforce investment activities authorized under section 129 of the Workforce Innovation and Opportunity Act.

(2) provide opportunities for in-school youth and out-of-school youth to participate in paid work experiences described in section 134(c)(2) of such Act.

(3) partner with community-based organizations to support out-of-school youth, including those residing in high-crime or high-poverty areas.

(b) CIVIL PENALTIES.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for youth workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act.

SEC. 22004. EMPLOYMENT SERVICE.

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

(a) $100,000,000 for carrying out improvements to State workforce and labor market information systems.

SEC. 22005. RE-ENTRY EMPLOYMENT OPPORTUNITIES.

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

(a) $10,000,000, for carrying out the Reentry Employment Opportunities program.

(b) $250,000,000, for competitive grants to national and regional intermediaries to carry out Reentry Employment Opportunities programs that prepare for employment young adults with criminal records, young adults who have been suspended or expelled from school who have dropped out of school or other educational programs, or who were previously incarcerated.

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

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

(a) $500,000,000 for carrying out activities through grants, cooperative agreements, contracts, or other arrangements, including arrangements with States and other Federal, State, and local public funds expended to provide adult employment and training activities, including funds provided under the Workforce Innovation and Opportunity Act.

(b) $400,000,000 for carrying out youth workforce investment activities authorized under section 129 of the Workforce Innovation and Opportunity Act.

(c) $100,000,000 for paying for the costs of apprenticeships, including costs of registering new apprenticeships, and for pre-apprenticeship activities.

SEC. 22007. INDUSTRY-OR SECTOR PARTNERSHIP GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $375,000,000, for carrying out the Reentry Employment Opportunities program.

(b) CIVIL PENALTIES.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended for adult workforce investment activities, including funds provided under the Workforce Innovation and Opportunity Act.
training activities for high-skill, high-wage, or in-demand industry sectors or occupations.

(b) ELIGIBILITY.—To be eligible to receive funds under this section, an eligible partnership shall be—

(1) a partnership that is located in an area with high un-employment rates or high percentages of dis-located workers or individuals with barriers to em-ployment, to provide guidance and assistance in the application process under this section;

(2) a state board or local board to support the creation or expansion of industry or sector partnerships in local areas with high unemployment rates or high percentages of dis-located workers or individuals with barriers to employment, as com-pared to State or national averages for such rates or percentages.

(3) supplemented, not supplant.—Amounts made available to carry out this section shall be used to supplement and not supplant other Fed-eral, State, and local public funds expended to support activities funded in this section.

22008. JOB CORPS.

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

(1) to provide funds to operators and service providers to—

(A) carry out the activities and services described in sections 146 and 149 of the Workforce Innovation and Opportunity Act; and

(B) improve and expand access to allowances and services described in section 150 of such Act; and

(2) for the construction, rehabilitation, and acquisition of Job Corps centers, notwithstanding section 156(c) of the Workforce Innovation and Opportunity Act.

(b) ELIGIBILITY OF OPERATORS AND SERVICE PROVIDERS.—For the purposes of carrying out subsection (a), an entity in a State or outlying area (as that term is defined in section 101 or 102(c) of the Higher Education Act of 1965), a registered apprenticeship pro-gram, and employment—

(1) to provide diversionary and educational services described in any clause of subparagraph (D) of section 134(c)(3) of the Workforce Innovation and Opportunity Act provided through contracts that meet the require-ments of subparagraph (D) of section 134(c)(3) or (ii) training provided through—

(I) registered apprenticeship programs; (II) pre-apprenticeship programs that articulate to registered apprenticeship programs; (III) youth apprenticeship programs that—

(aa) provide participants with high-quality, classroom-related and on-the-job training, and, employment opportunities with progressively increasing wages; and

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

(IV) joint labor-management organizations; and

(b) the provision of information on related skills or competencies that may be attained through such training or credentials; and

(c) directly provide, or arrange for the provi-sion of, services to help individuals with barriers to employment, prepare for, complete, and suc-cessfully transition out of training described in paragraph (2), which services shall include ca-reer services, supportive services, or provision of need-based payments authorized under sub-paragraphs (c)(2), (d)(2), and (d)(3) of section 134 of the Workforce Innovation and Opportunity Act, except that, for purposes of this section, sub-paragraphs (B) and (C) of section 134(d)(3) of that Act shall not apply; and

(4) establish or implement plans for providers of programs supported with such funds to meet the criteria and carry out the procedures to be included on the eligible training services pro-vider list described in section 122(d) of the Workforce Innovation and Opportunity Act.

(d) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any monies in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2026, for—

(1) targeted outreach and support to eligible partnerships in high-unemployment rates or high percentages of dis-located workers or individuals with barriers to em-ployment, to provide guidance and assistance in the application process under this section;

(2) administration of the program described in this section, including providing comprehensive technical assistance and oversight to el-igible partnerships;

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

(e) STATE BOARD OR LOCAL BOARD FUNDS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2026, for the Senior Community Service Em-ployment program authorized under section 302 of the Older Americans Act of 1965.

22013. PROVISION OF INFORMATION.

For purposes of determinations of the eligi-bility of individuals to be served or who are funded under this subtitle, the provision of in-formation for such determinations by Federal agencies other than the Department of Labor or the Department of Education shall not be re-quired.

22014. DEFINITIONS.

In this part:

(1) ELIGIBLE PARTNERSHIP.—The term ‘‘eligible partnership’’ means—

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

(B) a State board or local board, a joint labor-management organization, or an entity eligible to be a representative under clause (i), (ii), or (iii) of paragraph (26)(A) of section 3 of the Workforce Innovation and Opportunity Act, that is in the process of establishing an industry or sector partnership described in paragraph (A), to carry out a grant, contract, or coopera-tive agreement under section 2007.

(2) EVIDENCE-BASED.—The term ‘‘evidence-based’’ has the meaning given to that term in section 3(23) of the Carl D. Perkins Career and Technical Education Act of 2006.

(3) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘‘registered apprenticeship program’’ means an apprenticeship program registered with the Office of Apprenticeship of the Em-ployment and Training Administration of the Department of Labor or a State apprenticeship agency recognized by the Office of Apprenticeship pursuant to the Act of August 16, 1937 (commonly known as the ‘‘Apprenticeship Act’’; 50 Stat. 664, chapter 665).

(4) SECRETARY.—The term ‘‘Secretary’’ means the Secretary of Labor.


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

PART 2—DEPARTMENT OF EDUCATION

22101. ADMISSION AND LITERACY PROGRAMS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $700,000,000, to remain available until September 30, 2027, to carry out the pro-gram of adult education and literacy activities authorized under the Workforce Innovation and Opportunity Act, except that, for each fiscal year for which an eligible agency receives funds appropriated under this section, section 222(a)(1) of the Workforce Innovation and Op-pportunity Act shall be applied by substituting “not less than 10 percent” for “not more than 20 percent”, and section 222(b) of such Act shall not apply.

(b) SUPPLEMENT NOT SUPPLANT.—Amounts made available to carry out this section shall be used to supplement and not supplant other Federal, State, and local public funds expended to support activities, including funds provided under the Workforce Innovation and Opportunity Act.
(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Department of Education for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, the following amounts, to remain available until September 30, 2026:

1. $100,000,000 for carrying out the innovation and modernization program in subsection (e) of section 114 of the Carl D. Perkins Career and Technical Education Act of 2006, except that, for purposes of this paragraph, paragraph (2) of such subsection and the 20 percent limitation in paragraph (1) of such subsection shall not apply and eligible agencies, as defined in section 3(18) of such Act, shall be eligible to receive grants under such program.

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

(c) USE OF FUNDS.—An eligible institution awarded a grant under this section shall use such grant funds to expand opportunities for attainment of recognized postsecondary credentials that are nationally or regionally portable, and to support students in high-skill, high-wage, or in-demand industry sectors or occupations.

(d) ELIGIBILITY.—To be eligible to receive such a grant, an eligible institution shall submit to the Secretary an application that includes a description of programs to be supported with such grant, the recognized postsecondary credentials participants in such programs will earn, and the related employment opportunities for which participants in such programs will be prepared.

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

(f) DEFINITIONS.—In this section:

1. COMMUNITY COLLEGE.—The term “community college” means—

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

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

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

(B) a 2-year Tribal College or University (as defined in section 316(c)(4) of the Higher Education Act of 1965); or

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

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

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

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

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

(ii) a degree in the arts is the most frequently awarded degree.

2. ELIGIBLE INSTITUTION.—The term “eligible institution” means—

(A) a community college, a postsecondary vocational institution (as defined in section 102(c) of the Higher Education Act of 1965), or a consortium of such colleges or institutions, that is working directly with an industry or sector partnership to establish such partnership, to carry out a grant under this section,

3. PERKINS CTE DEFINITIONS.—The terms “career and technical education programs”, “dual or concurrent enrollment programs”, “evidence-based”, and “work-based learning” have the meanings given the terms in paragraphs (7), (15), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006.
(II) each employer in the covered State ceasing to use special certificates by the end of the 5-year grant period and no longer applying for or renewing such certificates;

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

(I) an average hourly wage rate under section 6(a)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 206(a)(1));

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

(iii) the covered State will establish an advisory council to monitor and guide the process of transforming existing program models of employers in the covered State as described in section (c)(1).

(c) USE OF FUNDS.—A covered State receiving a grant under this paragraph shall use the grant funds for each of the following activities:

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

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

(3) Expanding competitive integrated employment and integrated services to be provided to such people as a result of transformations described in paragraph (1).

(d) ALLOTMENTS.—

(1) IN GENERAL.—Not later than 18 months after the date of enactment of this Act, the Secretary shall—

(A) determine the number of covered States; and

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

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

(2) 15 OR MORE COVERED STATES.—

(A) IN GENERAL.—In a case in which the Secretary determines under paragraph (1) that there are 15 or more covered States, from the funds appropriated under subsection (a), the Secretary shall allot to each covered State an amount that bears the same relationship to such total amount as the number of employers in all covered States who have in effect such a certificate.

(B) USE OF FUNDS.—A covered State receiving a grant under this paragraph shall be awarded for a period of 5 years.

(C) USE OF FUNDS.—A covered State receiving a grant under this paragraph shall use the grant funds for activities to expand competitive integrated employment and integrated services.

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

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

(3) 14 OR FEWER COVERED STATES.—

(A) IN GENERAL.—In a case in which the Secretary determines under paragraph (1) that there are 14 or fewer covered States, from the funds appropriated under subsection (a), the Secretary shall award a grant to each covered State.

(B) USE OF FUNDS.—A covered State receiving a grant under this paragraph shall be awarded for a period of 5 years.

(C) USE OF FUNDS.—A covered State receiving a grant under this paragraph shall use the grant funds for activities to expand competitive integrated employment and integrated services.

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

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

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

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

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

SEC. 22203. TECHNICAL ASSISTANCE.

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

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

(2) collect and disseminate information on evidence-based practices for such transformations.

SEC. 22204. SUPPLEMENT AND NOT SUPPLANT.

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

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

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

SEC. 22205. DEFINITIONS.

In this section:

(1) DEFINITION OF COMPETITIVE INTEGRATED EMPLOYMENT.—The term “competitive integrated employment” has the meaning given such term in section 75 of the Rehabilitation Act of 1973 (29 U.S.C. 765(5)).

(2) EMPLOYEE; EMPLOYER.—The terms “employee” and “employer” have the meanings assigned to such terms in section 3 of the Fair Labor Standards Act of 1938 (29 U.S.C. 201).

(3) INTEGRATED SERVICES.—The term “integrated services” means services for people with disabilities that are—

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

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

(C) created using evidence-based practices that—

(i) maintaining competitive integrated employment;

(ii) achieving independent living; or

(iii) maximizing socioeconomic self-sufficiency, optimal independence, and full participation in the community;
(D) provided in a community location that is not specifically intended for people with disabilities;
(E) provided in a location that—
(i) ensures the people receiving the services to interact with people without disabilities to the fullest extent possible; and
(ii) provides for the people receiving the services to access community resources that are not specifically intended for people with disabilities and to have the same opportunity to participate in the community as people who do not have a disability; and
(F) provided in multiple locations to allow the individual receiving the services to have options, thereby—
(i) optimizing individual initiative, autonomy, and independence; and
(ii) facilitating choice regarding services and supports, and choice regarding the provider of such services.

(4) PEOPLE WITH DISABILITIES.—The term "people with disabilities" includes individuals described in section 14(1)(1) of the Fair Labor Standards Act of 1938 (29 U.S.C. 214(c)(1)).

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

PART 4—RECRUITMENT, EDUCATION AND TRAINING, RETENTION, AND CAREER ADVANCESMENTS FOR THE DIRECT CARE WORKFORCE

SEC. 23001. DEFINITIONS.

In this part:

(1) CTE DEFINITIONS.—The terms "area career and technical education school", "evidence-based", and "work-based learning" have the meanings given such terms in paragraphs (3), (23), and (55), respectively, of section 3 of the Carl D. Perkins Career and Technical Education Act of 2006 (29 U.S.C. 2302).

(2) HIRING DEFINITIONS.—The terms "career pathway", "career planning", "individual with a barrier to employment", "local board", "older individual", "on-the-job training", "recognized postsecondary credential", and "State board" have the meanings given such terms paragraphs (7), (8), (24), (33), (39), (44), (52), and (57), respectively, of section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(3) OTHER DEFINITIONS.—

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

(i) a direct support professional;

(ii) a worker providing direct care services, which may include palliative care, in a home or community setting;

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

(iv) a direct care worker, as defined in clause (1);

(295); or

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

(B) ELIGIBLE ENTITY.—The term "eligible entity" means an entity that is—

(i) a State;

(ii) a labor organization or a joint labor-management organization;

(iii) a nonprofit organization with experience in advocating for the rights and interests of direct support workers, or training or educating direct support workers;

(iv) an Indian Tribe or Tribal organization;

(v) an organization established as a faith-based entity;

(vi) a State board or local board;

(vii) an area agency on aging (as defined in section 6202 of the Older Americans Act of 1965 (42 U.S.C. 3002)); and

(viii) in partnership with an entity described in any of clauses (i) through (vii) or with a consortium described in paragraph (4), respectively, of section 3 of the Workforce Innovation and Opportunity Act of 1998 (29 U.S.C. 295p); or

(ii) an area agency on aging, workforce development board, or related body described in any of clauses (i) through (vii) or with a consortium described in any of clauses (i) through (vii).
(A) CHILD CARE DEFINITIONS.—The definitions in section 658P of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858p) shall apply to this section, except as provided in subsection (b).

(b) ADDITIONAL DEFINITIONS.—In this section:

(1) CHILD CARE CERTIFICATE.—

(A) IN GENERAL.—The term ''child care certificate'' means a certificate that may be a check or other disbursement that is issued by a State, Tribal, territorial, or local government under this section to the provider of care or services for a child, to pay for all or part of the costs of providing care or services to such child.

(B) RULE.—Nothing in this section shall prevent the use of such certificates for sectarian child care services if freely chosen by the parent.

(2) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. 11434a).

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

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

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

(C) job search activities;

(D) job training;

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

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

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

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

(I) parental leave.

SEC. 22401. DEPARTMENT OF LABOR INSPECTOR GENERAL AND PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Office of Inspector General of the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $90,000,000, to remain available until expended, for salaries and expenses necessary for oversight, investigations, and audits of programs, grants, and projects of the Department funded under this subtitle and subtitle B of this title.

SEC. 22402. PROGRAM ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $90,000,000, to remain available until expended, for salaries and expenses necessary to implement part 1 (other than section 22607) of this subtitle and subtitle B of this title.

Subtitle D—Child Care and Universal Pre-
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SEC. 23001. BIRTH THROUGH FIVE CHILD CARE AND EARLY LEARNING ENTITLEMENT.

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

(b) ADDITIONAL DEFINITIONS.—In this section:

(1) CHILD CARE CERTIFICATE.—

(A) IN GENERAL.—The term ''child care certificate'' means a certificate (that may be a check or other disbursement) that is issued by a State, Tribal, territorial, or local government under this section to the provider of care or services for a child, to pay for all or part of the costs of providing care or services to such child.

(B) RULE.—Nothing in this section shall prevent the use of such certificates for sectarian child care services if freely chosen by the parent.

(2) CHILD EXPERIENCING HOMELESSNESS.—The term ''child experiencing homelessness'' means an individual who is a homeless child or youth under section 725 of the McKinney-Vento Homeless Assistance Act of 1987 (42 U.S.C. 11434a).

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

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

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

(C) job search activities;

(D) job training;

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

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

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

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

(I) parental leave.

SEC. 23002. ELIGIBILITY.

(a) IN GENERAL.—The term “eligible child” means an individual, subject to subsection (g)(1)(C)(iii) (I) who is less than 6 years of age; (II) who is not yet in kindergarten; (iii) whose family income—

(I) does not exceed 100 percent of the State median income for a family of the same size for fiscal year 2022; (II) does not exceed 125 percent of such State median income for fiscal year 2023; (III) does not exceed 150 percent of such State median income for fiscal year 2024; (IV) does not exceed 250 percent of such State median income for each of the fiscal years 2025 through 2027; and (iv) who—

(A) resides with a parent or parents who are participating in an eligible activity; (B) is included in a population of vulnerable children identified by the lead agency involved, which at a minimum shall include children with disabilities, infants and toddlers with disabilities, children experiencing homelessness, children in foster care, children in kinship care, and children who are receiving, or need to receive, child protective services; or (C) resides with a parent who is more than 65 years of age.

(b) EXPANDED ELIGIBILITY RULE FOR FISCAL YEARS 2025 THROUGH 2027.

(I) IN GENERAL.—A child who is eligible to receive services under this subparagraph shall be treated as an eligible child for the other provisions of this section.

(II) RULE.—Notwithstanding subparagraph (A), a State may use the payments under subsection (g)(1) for fiscal years 2022, 2023, or 2024, to provide direct child care services described in subsection (h)(1)(A) to a child who meets the requirements of clauses (i), (ii), (iii), and (iv) of subparagraph (A) and whose family income—

(I) does not exceed 100 percent of the State median income for a family of the same size for a fiscal year within the fiscal year in which the child first receives funding under this section; (II) does not exceed 100 percent of the State median income for the fiscal year in which the child first receives funding under this section; (III) resides with a parent or parents who are participating in an eligible activity; (IV) resides with a parent who is more than 65 years of age; and (V) resides with a parent who is not eligible for services under this subparagraph.

(III) DETERMINATION MADE BY SALES AND TAX LEVY.—A State may make determinations under this paragraph on the basis of the sales and tax levy laws of the State in which the child resides, or in the absence of such sales and tax levy laws, on the basis of any law that is substantially similar to the sale and tax levy laws of the State used for determining eligibility for services under this paragraph.

(c) APPROPRIATIONS.—

(1) IN GENERAL.—The term “eligible child care provider” means a center-based child care provider, a family child care provider, or other provider of child care services for which—

(i) is licensed to provide child care services under the law of the State, or the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary; (ii) participates in the State’s tiered system for measuring the quality of eligible child care providers described in subsection (j)(4)(B), or, in the case of an Indian Tribe or Tribal organization, meets the rules set by the Secretary; (iii) is not later than the day of the third fiscal year for which the State receives funds under this section; and (iv) is in compliance with the requirements for the period for which the provider receives funds under this section; and (v) satisfies the State and local requirements applicable to eligible child care providers under the Child Care and Development Block Grant Act of 1990, including those requirements described in section 638E(c)(2)(I) of such Act (42 U.S.C. 9858E(c)(2)(I)).

(B) SPECIAL RULE.—A child care provider who is eligible to provide child care services in a State for children receiving assistance under the Child Care and Development Block Grant Act of 1990 on the date the State submits an application for funds under this section, and remains in compliance with any licensing or registration standards, or regulations, or requirements of the State, shall be deemed to be an eligible child care provider for this section for 3.5 years after the State first receives funding under this section.

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

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

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

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

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

(i) not children with disabilities; and

(ii) not infants and toddlers with disabilities.

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

(10) INFANT OR TODDLER WITH A DISABILITY.—The term “infant or toddler with a disability” means a child who is defined as disabled given the term in section 658E(c)(2)(I) of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

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

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

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

(c) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services to carry out the purposes set forth in this part.
Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

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

(ii) $5,730,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2022;

(iii) $4,125,600,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(C) in fiscal year 2022.

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

(ii)(II) $8,117,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(B) in fiscal year 2023;

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

(iii)(I) $20,655,000,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subsection (h)(1)(A) in fiscal year 2024;

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

(v) $2,897,500,000, to remain available until September 30, 2027, for States and the Commonwealth of Puerto Rico, to carry out the activities described in subparagraph (A), (B), or (C) of subsection (h)(1), as determined by the State or Commonwealth, in fiscal year 2024.

(B) STATE ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, such sums as may be necessary for each of fiscal years 2025 through 2027, for payments to States, for carrying out this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.  

(C) GAYS TO LOCALITIES.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to localities described in this section, to be carried out by a Tribal organization, with an approved application under subsection (f) or (g), shall be provided an opportunity to obtain high-quality child care services, subject to the requirements of this section.

(2) INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

(A) INDIAN TRIBE AND TRIBAL ORGANIZATION APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to Indian tribes or tribally administered organizations, for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) INDIAN TRIBE AND TRIBAL ORGANIZATION ENTITLEMENTS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, for grants to Indian tribes or tribally administered organizations, for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(3) TERRITORIES.

(A) TERRITORY APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for grants to Guam, the Commonwealth of the Northern Mariana Islands, and the United States Virgin Islands for the purpose of carrying out the child care program described in this section (other than carrying out activities described in paragraph (4), (5), or (6)), consistent, to the extent practicable as determined by the Secretary, with the requirements applicable to States.

(B) TERRITORY ENTITLEMENT.—In addition to amounts otherwise available, there is appropriated to the Department of Health and Human Services, out of any money in the Treasury not otherwise appropriated, for each of fiscal years 2025 through 2027, an amount equal to 1.06 percent of the prior year’s appropriation under paragraph (1)(B), to carry out subparts (k) and (l) of fiscal year 2022.

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

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

(2) ASSISTANCE FOR EVERY ELIGIBLE CHILD.—Beginning on October 1, 2024, every child who is determined, by a lead agency (or other entity designated by a lead agency for the State, territory, Indian Tribe, or Tribal organization involved), following standards and procedures established by the Secretary by rule, to be an eligible child, shall be offered assistance for direct child care services in accordance with and subject to the requirements and limitations of this section.

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

(1) APPLICATIONS AND STATE PLANS.—

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

(i) describes in detail the State's tiered system for measuring the quality of eligible child care providers described in subparagraph (B), and variations in the cost of child care services by geographic area, type of provider, and age of child, and the additional costs associated with providing inclusive care;

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

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

(bb) are set so as to provide payments to providers that are sufficient to enable the providers to increase quality to meet the requirements for the next tier;

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

(1) at a minimum, provide a living wage for all staff of each child care provider; and

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

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

(iii) certify that the State will update, not less often than once every 3 years, the cost estimation model or cost study described in subclause (I).

(B) A full State plan, contains a full State plan, submitted under paragraph (4), that contains such information as the Secretary may require, to demonstrate the State will meet the requirements of this section, and submit to the Secretary for approval an application that contains a full State plan, submitted under paragraph (1)(A) at such time, in such manner, and containing such information as the Secretary shall require, including, at a minimum—

(i) that the State will submit a State plan under paragraph (4) within 3 years after first receiving funds under this section; and

(ii) the financial assistance provided for the child under this section.

(C) REQUIREMENTS FOR TRANSITIONAL STATE PLANS.—For a period of not more than 3 years following the date of enactment of this Act, the Secretary shall award funds under this section to States or applicants that, in accordance with this section, a tiered system for measuring the quality of eligible child care providers, including child care centers and the settings of family child care providers, and are appropriate for providing services serving different age groups (including, at a minimum—

(i) include a different set of standards that are appropriate for child development in different types of child care provider settings, including the settings of family child care providers, and are appropriate for providers serving different age groups (including, at a minimum—

(ii) include a different set of standards that are appropriate for children receiving financial assistance under this section to attend child care at the highest tier that a minimum—are equivalent to, and support for child care providers at tiers lower than the highest tier to facilitate progression toward meeting higher quality standards.

(D) COMPENSATION.—Such plan shall provide a certification that the State has or will have within 3 years after first receiving funds under this section, a wage ladder for staff of eligible child care providers receiving assistance under this section, including a certification that wages for such staff, at a minimum, will meet the requirements of subparagraph (A)(ii)(I).
appropriate for child care providers and a pathway to such licensure that is available to and appropriate for child care providers in a variety of settings, that will offer providers eligible under subsection (b)(4)(A) the opportunity to carry out activities to improve the quality and supply of child care services. The Secretary shall permit and approve the activities described in subsection (b)(4)(A), and shall pay to each State with such an approved application, and that State shall be entitled to, an amount for each quarter equal to 95.440 percent of the Federal share of such expenditures (which shall be the Federal share of such expenditures) in the quarter for direct child care services described under subsection (h)(2)(B) for eligible children.

(ii) EXCEPTION.—Funds reserved from the total under subsection (h)(2)(C) shall be subject to clause (ii).

(iii) PROHIBITION.—Activities described in clause (ii) shall not include costs incurred by the entity, which shall include costs in the cost of direct child care services described in this clause.

(iv) ACTIVITIES TO IMPROVE THE QUALITY AND SUPPLY OF CHILD CARE SERVICES.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to the product of 1.90445 and the FMAP of expenditures (which product shall be the Federal share of such expenditures) to carry out activities to improve the quality and supply of child care services under subsection (h)(2)(C) to the limited specified in clause (i) of such subsection.

(v) ADMINISTRATION.—The Secretary shall pay to each State with such an approved application, and that State shall be entitled to, an amount equal to 53,022 percent of expenditures (which shall be the Federal share of such expenditures) for the costs of administration incurred by the State—

(I) which shall include costs incurred by the State in carrying out the child care program established in (B) that are unobligated on such date; and

(ii) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;

(B) activities described in paragraph (2)(C), with regard to the references to a quality child care amount in such paragraph; and

(iii) any unreimbursed costs incurred by the entity, which shall include costs in the cost of child care services, including rates to support the cost of providing high-quality direct child care services, including rates sufficient to support increased wages for staff of eligible child care providers; and

(ii) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;

(C) payments of administration incurred by the State, which shall include the costs described in subsection (i)(1) that receives a payment under subsection (g)(1) shall use such payment for—

(A) assistance for direct child care services, which shall consist of—

(i) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;

(ii) waiving or reducing copayments, to ensure that the families of children receiving assistance under this section do not pay more than 7 percent of family income toward the cost of the child care involved for all eligible children in the family;
(ii) GRANTS AND CONTRACTS.—The State shall award grants or contracts to eligible child care providers, consistent with the requirements under this section, for the provision of child care services to children under this section that, at a minimum—

(I) support providers’ operating expenses to meet and sustain health, safety, quality, and wage standards required under this subsection; and

(II) address underserved populations described in subsection (f)(4)(H).

(3) CERTIFICATION.—The State shall issue a child care rate that directly to a parent who shall use such certificate only as payment for direct child care services or as a deposit for direct child care services or the equivalent services provided under this section; and

(II) the number of available slots in the State for child care services funded under this section, pursuant to subsection (f)(4)(H); and

(iii) PROVIDING SUPPORT.—Each State shall use the quality child care amount described in subsection (f)(4)(H) to support—

AA) providing startup and expansion costs; and

BB) providing support for underserved populations identified in subsection (f)(4)(H); and

CC) technical assistance that includes—

V) technical assistance for the training and professional development of the early childhood workforce, including support and professional development; and

(3) GRANTS TO LOCALITIES.—(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (c)(4) to award local Birth Through Five Child Care and Early Learning Grants, in accordance with rules established by the Secretary, to eligible localities that meet the requirements for making payments under subsection (g). The Secretary shall award the grants to eligible localities in such a manner as to maximize the degree of local control over the allocation made for that State under subsection (B).

(4) ELIGIBLE LOCALITY.—For each State described in subparagraph (A), the Secretary shall award the grants for a fiscal year an amount that bears the same relationship to the funds appropriated under subsection (c)(4) for the fiscal year as the number of children from families with family incomes that are below 200 percent of the poverty line, and who are under the age of 6, bears to the total number of all such children in all States described in subparagraph (A).

(B) ALLOCATIONS.—(I) POVERTY LINE DEFINED.—In this subparagraph, the term "poverty line" means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9856).

(C) ELIGIBILITY REQUIREMENTS.—For eligibility for a grant under this section, a locality must meet the requirements applicable to States under section (f).

(1) NONDISCRIMINATION.—The following provisions shall apply to any program or activity that receives funds provided under this section:

(II) FACILITIES GRANTS.—(aa) supporting such providers in meeting or making progress toward the requirements for the health and safety of the State’s tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(H); and

(bb) supporting providers in sustaining child care quality, including supporting increased wages for staff and supporting payment of fixed costs.

(II) FACILITIES GRANTS.—(aa) supporting such providers in meeting or making progress toward the requirements for the health and safety of the State’s tiered system for measuring the quality of eligible child care providers under subsection (f)(4)(H); and

(bb) supporting providers in sustaining child care quality, including supporting increased wages for staff and supporting payment of fixed costs.

(III) QUALITY CHILD CARE ACTIVITIES.—(I) AMOUNT.—For each of fiscal years 2025 through 2027, from the total of the payments made to the State for a particular fiscal year, the State shall reserve and use a quality child care amount equal to not less than 5 percent and up to 10 percent of the amount made available to the State through such payments for the previous fiscal year.

(II) USE OF QUALITY CHILD CARE AMOUNT.—Each State shall use a portion of the quality child care amount described in clause (i) to implement activities described in this subparagraph to improve the quality and supply of child care services by—

(1) ELIGIBLE LOCALITY DEFINED.—In this subparagraph, the term "eligible locality" means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9856).

(2) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the computation of a "Head Start eligible locality" for purposes of making payments under this section.

(3) HEAD START EXPANSION IN NONPARTICIPATING STATES.—(A) IN GENERAL.—The Secretary shall use funds appropriated under subsection (c)(5) or (c)(6) to make grants to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) RULE.—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subparagraph (A) shall not be included in the computation of a "Head Start eligible locality" for purposes of making payments under this section.
(A) Title IX of the Education Amendments of 1972.
(B) Title VI of the Civil Rights Act of 1964.
(C) Section 504 of the Rehabilitation Act of 1973.
(E) Section 654 of the Head Start Act.

(2) PROHIBITION ON ADDITIONAL ELIGIBILITY REQUIREMENTS.—No individual shall be determined, by the Secretary, a State, or another recipient, to be eligible for child care services provided under this section, except on the basis of eligibility requirements specified in or under this section.

(3) I NTERPRETATION.—
(A) IN GENERAL.—A State that receives payments under this section for a fiscal year, in using funds available through the payments, shall maintain the expenditures of the State for child care services at the average level of such expenditures by the State for the 3 preceding fiscal years.

(B) COUNTING RULE.—State expenditures counted for purposes of meeting the requirement in subparagraph (A) may also be counted for purposes of meeting the requirement in subsection (g)(2)(A).

(C) REQUIREMENTS.—Funds received under this section, except on the basis of eligibility requirements specified in or under this section, are not yet in kindergarten, and are eligible under that Act.

(D) LOCAL EDUCATIONAL AGENCY.—The term “local educational agency” has the meaning given the term in section 616(a) of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7601).

(E) POVERTY LINE.—The term “poverty line” means the poverty line defined and revised as described in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902).

(F) SECRETARY.—The term “Secretary” means the head of the Department of Health and Human Services.

(2) ISSUANCE OF RULE.—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning complaints under this section, and any failures to comply with the State plan or any other requirement of this section; and

(B) notifying a State when the Secretary has determined there has been a failure by the State to comply with a requirement of this section.

(3) TRANSITION PROCEDURES.—The Secretary is authorized to institute procedures for implementing this section, including issuance guidance for States receiving funds under subsection (g)(1).

SEC. 23002. UNIVERSAL PRESCHOOL.

(a) DEFINITIONS.—In this section:

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

(2) CHILD WITH A DISABILITY.—The term “child with a disability” has the meaning given the term in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401).

(3) COMPREHENSIVE SERVICES.—The term “comprehensive services” means services that are provided to low-income children and their families, and that are health, educational, nutritional, social, and other services that are determined, based on family needs assessments, to be necessary, within the meaning of section 636 of the Head Start Act.

(4) DUAL LANGUAGE LEARNER.—The term “dual language learner” means a child who is learning 2 or more languages at the same time, and the term “first language” means the language a child learned first while continuing to develop the child’s first language.

(5) ELIGIBLE CHILD.—The term “eligible child” means a child who is age 3 or 4, on the date established by the applicable local educational agency for kindergarten entry.

(6) ELIGIBLE PROVIDER.—The term “eligible provider” means—

(A) a local educational agency, acting alone or in a consortium or in collaboration with an educational service agency (as defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801)), that is licensed by the State or meets comparable health and safety requirements; and

(B) a Head Start agency or delegate agency funded under the Head Start Act;
(C) $300,000,000, to remain available until September 30, 2027, for carrying out payments to eligible local entities that serve children in families who are engaged in migrant or seasonal agricultural labor, for activities described in this section;

(D)(i) $165,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2023;

(ii) $200,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2024;

(iii) $200,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2025;

(iv) $212,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2026;

(v) $216,000,000, to remain available until September 30, 2027, for carrying out Federal activities to support the activities funded under this section, including administration, monitoring, technical assistance, and research, in fiscal year 2027;

(E)(i) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2022;

(ii) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2023;

(iii) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2024;

(iv) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2025;

(v) $2,500,000,000, to remain available until September 30, 2027, to improve compensation of Head Start staff consistent with subparagraphs (A)(i) and (B)(viii) of section 640(a)(5) of the Head Start Act (42 U.S.C. 9835(a)(5)), notwithstanding section 653(a) of such Act (42 U.S.C. 9848(a)), in fiscal year 2026;

(F)(i) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2023;

(ii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2024;

(iii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2025;

(iv) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2026;

(v) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to localities described in subsection (f)(2) in fiscal year 2027;

(A)(i) and (B)(viii) of section 640(a)(5) of the

Head Start Act (42 U.S.C. 9835(a)(5)), notwith- standing section (f)(3) in fiscal year 2024;

(ii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to Head Start agencies described in sub- section (f)(3) in fiscal year 2024;

(iii) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to Head Start agencies described in sub- section (f)(3) in fiscal year 2025;

(iv) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to Head Start agencies described in sub- section (f)(3) in fiscal year 2026; and

(v) $1,900,000,000, to remain available until September 30, 2027, to carry out the program of grants to Head Start agencies described in sub- section (f)(3) in fiscal year 2027;

(B) Supporting a continuous quality improve- ment system for providers of preschool services participating, or seeking to participate, in the State preschool program, through the use of technical assistance, professional development, and coaching.

(C) Providing outreach and enrollment support for families of eligible preschool-aged children.

(D) Supporting data systems building.

(E) Supporting staff of eligible providers in pursuing credentials and degrees, including bac- calaureate and graduate degrees.

(F) Supporting activities that ensure access to inclusive preschool programs for children with disabilities.

(G) Providing age-appropriate transportation services for children, which at a minimum shall include transportation services for children experiencing homelessness and children in foster care.

(H) Conducting or updating a statewide needs assessment of access to high-quality preschool services.

(I) LEAD AGENCY.—The Governor of a State desiring for the State to receive a payment under this subsection shall designate a lead agency (such as a State agency or joint inter- agency office) for the administration of the State’s preschool program under this subsection.

(J) STATE PLAN.—In order to be eligible for payments under this section, the Governor of a State shall submit a State plan to the Secretary for approval, in collaboration with the Secretary of Education, at such time, in such form, and at such time as the Secretary shall require, that

includes a plan for achieving universal, high- quality, free, inclusive, and mixed-delivered preschool services. Such plan shall include, at a minimum, each of the following:

(A) A certification that—

(1) P AYMENTS FOR FISCAL YEARS 2022 THROUGH 2024.—Notwithstanding any other provision of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority to reallocate funds among the States in the year for such preschool services, for fiscal year 2022, as the Secretary may find necessary, and shall reduce or increase the payment as necessary to avoid any overpayment or underpayment for a previous year.

(B) FISCAL YEAR 2025.—Notwithstanding any other provision of this section, on October 1, 2024, the Secretary shall have the authority to reallocate funds among the States in the year for such preschool services, for fiscal year 2025, as the Secretary may find necessary, and shall reduce or increase the payment as necessary to avoid any overpayment or underpayment for a previous year.

(C) AUTHORITY.—

(i) FISCAL YEARS 2022 THROUGH 2024.—Notwith- standing any other provision of this paragraph, for each of fiscal years 2022 through 2024, the Secretary shall have the authority to reallocate funds among the States in the year for such preschool services, for fiscal year 2022, as the Secretary may find necessary, and shall reduce or increase the payment as necessary to avoid any overpayment or underpayment for a previous year.

(ii) FISCAL YEAR 2025.—Notwithstanding any other provision of this section, on October 1, 2024, the Secretary shall have the authority to reallocate funds among the States in the year for such preschool services, for fiscal year 2025, as the Secretary may find necessary, and shall reduce or increase the payment as necessary to avoid any overpayment or underpayment for a previous year.
(i) the State has in place developmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and as-

9858c(c)(2)(T)), with respect to funding and as-

(II) by not later than 1 year after the State receives such funding, meet the State’s pre-
school education standards described in sub-

paragraph (A); and

(ii) that the local preschool programs in the State funded under this section will—

(I) offer programming that meets the duration requirements of at least 1,020 annual hours;

(II) adopt policies and practices to conduct outcome-based张家界 enrichment, in-

cluding prioritization, to—

(a) children experiencing homelessness (which, in the case of a child attending a pro-

gram which the State first receives funds under part C of the Individuals with Disabilities Education Act, and as described in subsection (a)(6)(A), shall include immediate

enrollment for the child;

(bb) nothing in this section shall require the State to ensure that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and as-

as needed.

A certification that subgrant and contract

requirements; and

(b) children with disabilities, including eligible

children who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible

children who are engaged in migrant or seasonal agricultural labor;

(eh) the State shall—

(III) other indicators of community need as re-

quired by the Secretary; and

(III) provide for increased payment amounts based on the criteria described in subclauses (III) and (IV) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary

such periodic reports, providing a detailed ac-

counting of the amount received under this sub-

paragraph (A), the State shall immediately return the amount received to the Secretary.

(L) Distribution of funds—Each State plan shall remain in effect for a period not in excess of 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) Transitional State plan.—

(A) In general.—The Secretary shall develop parameters for, and allow a State to submit for approval, a transitional State plan that, at the time of the transition, will remain in effect for a period of not more than 3 years, a transitional State plan, at such time, in such manner and containing such information as the Secretary shall require.

(B) CONTENTS.—The transitional plan shall—

(i) demonstrate that the State will meet the re-

quirements of such plan as determined by the Secretary;

(ii) include, at a minimum—

(I) an assurance that the State will submit a State plan under paragraph (5),

(ii) a description of how funds received by the State under this section will be spent to ex-

pand access to universal, high-quality, free, and inclusive preschool programs to all eligible children within the State in alignment with the requirements of this section; and

(iii) such data as the Secretary may require on the provision of preschool services in the State.

(g) Subgrants and Contracts for Local Preschool Programs.—

(1) Subgrants and Contracts.—

(A) In general.—A State that receives a pay-

ment under subsection (c)(2) for a fiscal year shall use amounts provided through the pay-

ment to ensure that the costs of contracts with, eligible providers to operate universal, high-quality, free, and inclusive preschool programs (which State-funded programs are referred to in this section as “preschool programs”)

(f) of materials, equipment, and supplies; and

(i) the State has in place developmentally appropriate, evidence-based preschool standards that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and as-

(II) by not later than 1 year after the State receives such funding, meet the State’s pre-
school education standards described in sub-

paragraph (A); and

(ii) that the local preschool programs in the State funded under this section will—

(I) offer programming that meets the duration requirements of at least 1,020 annual hours;

(II) adopt policies and practices to conduct outcome-based张家界 enrichment, in-

including prioritization, to—

(a) children experiencing homelessness (which, in the case of a child attending a pro-

gram which the State first receives funds under part C of the Individuals with Disabilities Education Act, and as described in subsection (a)(6)(A), shall include immediate

enrollment for the child;

(bb) nothing in this section shall require the State to ensure that, at a minimum, are as rigorous as the standards specified in subparagraph (B) of section 658E(c)(2)(T) of the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858c(c)(2)(T)), with respect to funding and as-

as needed.

A certification that subgrant and contract

requirements; and

(b) children with disabilities, including eligible

children who are engaged in migrant or seasonal agricultural labor;

(dd) children with disabilities, including eligible

children who are engaged in migrant or seasonal agricultural labor;

(eh) the State shall—

(III) other indicators of community need as re-

quired by the Secretary; and

(III) provide for increased payment amounts based on the criteria described in subclauses (III) and (IV) of subparagraph (B)(ii).

(K) An agreement to provide to the Secretary

such periodic reports, providing a detailed ac-

counting of the amount received under this sub-

paragraph (A), the State shall immediately return the amount received to the Secretary.

(L) Distribution of funds—Each State plan shall remain in effect for a period not in excess of 3 years. Amendments to the State plan shall remain in effect for the duration of the plan.

(7) Transitional State plan.—

(A) In general.—The Secretary shall develop parameters for, and allow a State to submit for approval, a transitional State plan that, at the time of the transition, will remain in effect for a period of not more than 3 years, a transitional State plan, at such time, in such manner and containing such information as the Secretary shall require.

(B) CONTENTS.—The transitional plan shall—

(i) demonstrate that the State will meet the re-

quirements of such plan as determined by the Secretary;

(ii) include, at a minimum—

(I) an assurance that the State will submit a State plan under paragraph (5),

(ii) a description of how funds received by the State under this section will be spent to ex-

pand access to universal, high-quality, free, and inclusive preschool programs to all eligible children within the State in alignment with the requirements of this section; and

(iii) such data as the Secretary may require on the provision of preschool services in the State.

(g) Subgrants and Contracts for Local Preschool Programs.—

(1) Subgrants and Contracts.—

(A) In general.—A State that receives a pay-

ment under subsection (c)(2) for a fiscal year shall use amounts provided through the pay-

ment to ensure that the costs of contracts with, eligible providers to operate universal, high-quality, free, and inclusive preschool programs (which State-funded programs are referred to in this section as “preschool programs”)

(f) of materials, equipment, and supplies; and
(vi) of rent or a mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

(4) **Establishing and Expanding Universal Preschool Programs in Additional Communities.**—Once a State that receives a payment under subsection (c)(2) meets the requirements of paragraph (3) with respect to establishing and expanding preschool programs within and across high-need communities, the State shall use funds from such payment to enroll and serve children in local preschool programs, as described in such paragraph, in additional communities in accordance with the metrics described in paragraph (3)(A)(i). Such funds shall be used for the activities described in clauses (i) through (v) of paragraph (3)(A).

**Payments for Universal Preschool Services in Indian Tribes and Territories.**—

(A) **In General.**—For each of fiscal years 2022 through 2027, from the amount appropriated for Indian Tribes and Tribal organizations under subsection (b)(2)(A), the Secretary shall make payments to Indian Tribes and Tribal organizations with an application approved under subparagraph (B) for awards under paragraph (3)(A) to Indian Tribes and Tribal organizations with such an application, for the purpose of carrying out the preschool program described in this section, in the manner and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the requirements applicable to States.

(B) **Applications.**—An Indian Tribe or Tribal organization seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(2) **Territories.**—

(A) **In General.**—For each of fiscal years 2022 through 2027, from the amount appropriated for territories under subsection (b)(2)(B), the Secretary shall make payments to the territories with an application approved under subparagraph (B) and the territories shall be entitled to such payments, for the purpose of carrying out the preschool program described in this section, consistent, to the extent practicable, with the requirements applicable to States.

(B) **Applications.**—A territory seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(3) **Indian Tribes and Tribal Organizations.**—

(A) **In General.**—For each of fiscal years 2022 through 2027, from the amount appropriated for Indian Tribes and Tribal organizations with an application approved under subparagraph (B), the Secretary shall make payments to the Tribes and Tribal organizations for the purpose of carrying out the preschool program described in this section, in the manner and containing such information as the Secretary may require. The requirements for the application shall, to the greatest extent practicable, be consistent with the requirements applicable to States.

(B) **Applications.**—An Indian Tribe or Tribal organization seeking a payment under this paragraph shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

(4) **Priority for Serving Underserved Communities.**—In making determinations to award a grant or make an award under this subsection, the Secretary shall give priority to territories that provide services to qualified individuals, including Native American students, and, in the case of States, the Secretary shall have the authority to recover any unused funds allocated under subparagraph (B) for awards under paragraph (3)(A) to Indian Tribes and Tribal organizations in accordance with paragraph (3)(C).

(C) **Head Start Expansion in Nonparticipating States.**—

(A) **In General.**—The Secretary shall use funds appropriated under subsection (b)(2)(G) or recouped under paragraph (2) to make awards to Head Start agencies in a State described in paragraph (2)(A) to carry out the purposes of the Head Start Act in such State.

(B) **Rule.**—For purposes of carrying out the Head Start Act in circumstances not involving awards under this paragraph, funds awarded under subpart (D) shall be included in the calculation of a “base grant” as such term is defined in section 649(a)(7)(A) of the Head Start Act (42 U.S.C. 9835(a)(7)(A)).

(C) **Definition.**—In this paragraph, the term “Head Start agency” means an entity designated or eligible to be designated as a Head Start agency under section 641(a)(1) of the Head Start Act or as an Early Head Start agency (by receiving a grant) under section 645A(a) of such Act.

(5) **Maintenance of Effort.**—

(A) In General.—if a State reduces its combined fiscal effort per child for the State preschool program (whether a publicly funded preschool program or a program funded under this section) or through State supplemental assistance funds for Head Start programs assisted under the Head Start Act, or through any State spending or investment in preschool services for the purpose of ensuring that a State receives payments under subsection (c)(2) (referred to in this paragraph as the “reduction fiscal year”) relative to the previous fiscal year, described in paragraph (4), in collaboration with the Secretary of Education, shall reduce support for such State under such subsection by the same amount as the total reduction in that State fiscal year for such fiscal year.

(B) **Waiver.**—The Secretary, in collaboration with the Secretary of Education, may waive the requirements of paragraph (1) if—

(A) the Secretary determines that a waiver would be appropriate due to a precipitous decline in the financial resources of a State as a result of unforeseen economic hardship, or a natural disaster, that has necessitated across-the-board reductions in State services during the 5-year period preceding the date of the determination, for early childhood education programs; or

(B) due to the circumstances of a State requiring reductions in specific programs, including Head Start education programs, the State presents to the Secretaries a justification and demonstration why other programs could not be reduced and how early childhood education programs in the State would be disproportionately harmed by such State reductions.

(i) **Supplement Not Supplant.**—Funds received under this section shall be used to supplement and not supplant other Federal, State, and local public funds expended on preschool programs in the State on the date of enactment of this Act, calculated as the average amount of such Federal, State, and local public funds expended for fiscal years 2019, 2020, and 2021.

(j) **Nondiscrimination Provisions.**—The following provisions of law shall apply to any program or activity that receives funds provided under this section:

(1) Title IX of the Education Amendments of 1972.

(2) Title VI of the Civil Rights Act of 1964.


(k) **Monitoring and Enforcement.**—

(1) Review of Compliance with Requirements and State Plan. The Secretary shall review and monitor compliance of States, territories, Tribal entities, and local entities with this section and State compliance with the State plan described in subsection (c)(5).

(2) **Issuance of Rule.**—The Secretary shall establish by rule procedures for—

(A) receiving, processing, and determining the validity of complaints or findings concerning any failure of a State to comply with the State plan or any other requirement of this section; and

(B) imposing sanctions under this subsection for such a failure.

Subtitle E—Child Nutrition and Related Programs

SEC. 24001. EXPANDING COMMUNITY ELIGIBILITY.

(a) **Multiplier and Threshold Adjustments.**—The term ‘MULTIPLIER’ as used in section 11(a)(1)(F) of the Richard B. Russell National School Lunch Act (42 U.S.C. 1759(a)(1)(F)) is amended to read as follows:—

‘MULTIPLIER’?

(1) **Implementation.**—For each school year beginning on or after July 1, 2022,
and ending before July 1, 2027, the Secretary shall use a multiplier of 1.5.

(II) IMPLEMENTATION AFTER 2027.—For each school year beginning on or after July 1, 2027, and ending before July 1, 2027, the threshold shall be not more than 25 percent.

(II) IMPLEMENTATION AFTER 2027.—For each school year beginning on or after July 1, 2027, and ending before July 1, 2027, the threshold shall be not more than 40 percent.

(b) STATEWIDE COMMUNITY ELIGIBILITY.—Section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1759a(a)(1)(F)) is amended by adding at the end the following:

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(III) the percentage of enrolled students who were identified students shall be calculated across all applicable schools in the State regardless of local educational agency.
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SEC. 24002. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

The Richard B. Russell National School Lunch Act is amended by inserting after section 13 (42 U.S.C. 1761) the following:

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SEC. 13A. SUMMER ELECTRONIC BENEFITS TRANSFER FOR CHILDREN PROGRAM.

(a) PROGRAM ESTABLISHED.—The Secretary shall establish a program under which States and covered Indian Tribal organizations participating in such program shall, for summer 2023 and summer 2024, provide to eligible households summer EBT benefits—

(1) in accordance with this section; and

(2) for the purpose of providing nutrition assistance to local food banks and organizations.

(bb) the program under this section shall—

(A) allow eligible households to opt out of participation.

(bb) the program under this section shall include procedures for opting out of such participation.

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SEC. 24004. SCHOOL KITCHEN EQUIPMENT GRANTS.

In addition to amounts otherwise available, there is appropriated, $250,000,000, to remain available until expended, to provide technical assistance to support scratch cooking and local food systems, as defined by the Secretary of Agriculture, to be served as part of a child nutrition program.
greater than $1,000, that, with respect to the school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751–1759b) and the school breakfast program established under section 4 of the Child Nutrition Act of 1966 (42 U.S.C. 1773), is necessary to serve healthier meals, improve food safety, and increase scratch cooking.

Subtitle F—Human Services and Community Supports

SEC. 25001. ASSISTIVE TECHNOLOGY.

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

SEC. 25002. FAMILY VIOLENCE PREVENTION AND SERVICES FUNDING.

In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until expended, for necessary expenses to carry out sections (c) and (d) of section 2204 of the American Rescue Plan Act of 2021 (Public Law 117–2).

SEC. 25003. PREGNANCY ASSISTANCE FUND.

Section 10214 of the Patient Protection and Affordable Care Act (42 U.S.C. 18204) is amended by adding at the end the following new sentence: “In addition, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

“(1) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2022;

“(2) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2023;

“(3) $25,000,000, to remain available until expended, to carry out this part in fiscal year 2024.”

SEC. 25004. FUNDING FOR THE AGING NETWORK AND INFRASTRUCTURE.

(a) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, for necessary expenses for activities of the Center under section 201(g) of the Older Americans Act of 1965 (42 U.S.C. 373(e) of such Act), to—

(A) support technical assistance centers; and

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

(b) NONAPPLICABILITY OF CERTAIN REQUIREMENTS.—The non-Federal contribution requirements under sections 304(d)(1)(D) and 431(a) of the Older Americans Act of 1965, and section 307(h)(C) of such Act, shall not apply to—

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

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

SEC. 25005. TECHNICAL ASSISTANCE CENTER FOR SUPPORTING DIRECT CARE AND CAREGIVING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services, acting through the Assistant Secretary for Planning and Development, to establish a national technical assistance center for Community Living, for fiscal year 2022, $1,000,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) USE OF FUNDING.—The Secretary, acting through the Assistant Secretary for Planning and Development, shall—

(1) use amounts appropriated by subsection (a) for necessary expenses for awards grants, contracts, or cooperative agreements to public or private nonprofit entities pursuant to section 162 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15622) for initiatives to address the behavioral health needs of individuals with intellectual and developmental disabilities;

(2) use amounts appropriated by this section to supplement and not supplant Federal, State, or local public funds to support unpaid caregivers.

SEC. 25006. FUNDING TO SUPPORT UNPAID CAREGIVERS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the “Secretary”) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

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

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

SEC. 25007. FUNDING TO SUPPORT INDIVIDUALS WITH INTELLECTUAL AND DEVELOPMENTAL DISABILITIES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Health and Human Services (referred to in this section as the “Secretary”), for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out the purpose described in subsection (b).

(b) USE OF FUNDING.—The Secretary, acting through the Assistant Secretary for Planning and Development, shall use amounts appropriated by subsection (a) for necessary expenses for award grants, contracts, or cooperative agreements to public or private nonprofit entities pursuant to section 162 of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15622) for initiatives to address the behavioral health needs of individuals with intellectual and developmental disabilities.

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

SEC. 25008. OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES.

In addition to amounts otherwise available, there is appropriated to the Inspector General of the Department of Health and Human Services, for salaries and expenses necessary for the support of the Inspector General, $33,000,000.

Subtitle G—National Service and Workforce Development in Support of Climate Resilience and Mitigation

SEC. 26001. CORPORATION FOR NATIONAL AND COMMUNITY SERVICE AND THE NATIONAL SERVICE STANDARDS.

(a) AMERICORPS STATE AND NATIONAL.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $2,300,000,000, to remain available until September 30, 2026, which shall be used to make adjustments to existing (as of the date of enactment of this Act) awards and make new awards to entities (whether or not such entities are already receiving a grant or loan from the date of enactment of this Act) to support national service programs described in paragraphs...
(1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), and (vii) of paragraph (4)(B) of subsection (a) of such section; and

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

(b) section 189(a) of such Act shall be applied by substituting “125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position” for “$8,000 per full-time equivalent position”; and

(c) section 140(a)(1) of such Act shall be applied by substituting “200 percent of the poverty line” for “the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)’’.

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

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

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

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

(B) section 189(a) of such Act shall be applied by substituting “125 percent of the amount of the minimum living allowance of a full-time participant per full-time equivalent position” for “$8,000 per full-time equivalent position”;

(C) section 140(a)(1) of such Act shall be applied by substituting “200 percent of the poverty line” for “the average annual subsistence allowance provided to VISTA volunteers under section 105 of the Domestic Volunteer Service Act of 1973 (42 U.S.C. 4955)”.

(c) NATIONAL CIVILIAN COMMUNITY CORPS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $400,000,000, to remain available until September 30, 2026, which shall be used to make funding adjustments to existing (as of the date of enactment of this Act) awards and make new awards to States to establish or operate State Commissions on National and Community Service.

(2) MATCH WAIVER.—For the purposes of carrying out paragraph (1), the Corporation shall waive the matching requirement described in section 122(a)(3)(B) of the National and Community Service Act of 1990.

(d) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $300,000,000, to remain available until September 30, 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $49,500,000, to remain available until September 30, 2029, which shall be used to reduce the Corporation’s administrative costs.

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

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

(B) section 105(b)(2)(B) of the Domestic Volunteer Service Act of 1973 shall be applied by substituting “200 percent” for “105 percent”.

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

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $6,915,000,000, which shall be used for the purposes specified in paragraph (2).

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

(A) be available until September 30, 2026, for national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), and (vii) of paragraph (4)(B) of subsection (a) of such section; and

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

(f) USE OF FUNDS.—

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

(2) PROGRAMS.—The programs described in subparagraph (B) of section 122(a)(3)(B) of the National and Community Service Act of 1990 shall—

(A) be available until September 30, 2026, for national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section; and

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

(g) FISCAL YEAR 2022 PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $79,800,000, to remain available until September 30, 2023, which shall be used to implement Federal administrative expenses to carry out programs and activities funded under this section.

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

(A) the Corporation shall ensure that—

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

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

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

(iv) such programs provide participants with opportunities to advance skills and increase access to apprenticeships that articulate to registered apprenticeship programs, and pathways to post-secondary employment in high-quality jobs, including registered apprenticeship programs;

(B) the Corporation shall use the appropriations specified in paragraph (1)—

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

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

(B) such programs provide participants with work-force development opportunities, such as pre-apprenticeships that articulate to registered apprenticeship programs, and pathways to post-secondary employment in high-quality jobs, including registered apprenticeship programs; and

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

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

(c) FISCAL YEAR 2023 PROGRAM ADMINISTRATION.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation, $390,000,000, to remain available until September 30, 2023, which shall be used by the Chief Executive Officer of the Corporation to—

(A) develop, publish, and implement, not later than 90 days after the date of enactment of this Act, a project, operations, and management plan for funds appropriated under this section; and

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

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

(A) in implementing national service programs described in paragraph (3)(B)(i) and funded by the appropriated funds specified in paragraph (1)—

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

(A) shall conduct an assessment of mission involvement, and determine that the mission involvement demonstrates—

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

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

(ii) section 189(a) of the National and Community Service Act of 1990 and national service programs described in paragraphs (1)(A), (2)(A), (3)(A), and (5)(A) of subsection (a), and subsection (b)(2), of section 122 of the National and Community Service Act of 1990 and national service programs carrying out activities described in clauses (i), (ii), (iii), (v), (vi), and (vii) of paragraph (4)(B) of subsection (a) of such section; and

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

(f) ADMINISTRATIVE COSTS.—

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, to the Corporation, $49,500,000, to remain available until September 30, 2030, for outreach to and recruitment of members from communities traditionally under-represented in national service programs, and members of a community experiencing a significant dislocation of workers, including energy transition communities.

(2) FISCAL YEAR 2024 PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2024, out of any money in the Treasury not otherwise appropriated, to the Corporation, $390,000,000, to remain available until September 30, 2024, for outreach to and recruitment of members from communities traditionally under-represented in national service programs, and members of a community experiencing a significant dislocation of workers, including energy transition communities.
in the Treasury not otherwise appropriated, to the Corporation for National and Community Service, $75,000,000, to remain available until September 30, 2030, which shall be used for the Office of Apprenticeship of the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, there is appropriated to the Department of Labor for fiscal year 2022 $150,000,000, to be made available until September 30, 2023 for—
(A) administration of the National Service Trust; and
(B) payment to the Trust for the provision of national service educational awards and interest expenses.
(ii) for participants, for a term of service supported by funds made available under subsection (e); and
(iii) pursuant to section 145(a)(1)(A) of the National and Community Service Act of 1990.
(2) SUPPLEMENTAL EDUCATIONAL AWARDS.—
(A) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to the National Service Trust, $1,000,000,000, to remain available until September 30, 2030, for payment to the National Service Trust for the purpose of providing a supplemental national service educational award to an individual eligible to receive a national service educational award pursuant to section 146(a), and the individual’s transferee pursuant to section 148(f), of the National and Community Service Act of 1990, for a term of service that began after the date of enactment of this Act in a national service program (including a term of service supported by funds made available under paragraphs (1) and (2)).
(B) AWARD AVAILABILITY.—The supplemental educational award referred to in subparagraph (A) shall be available to an individual or their transferee described in subparagraph (A) and shall be calculated as follows:
(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—A supplemental national service educational award shall be available to an individual’s transferee, and an individual eligible to receive such an award for a term of service supported by funds made available under paragraphs (1) and (2) for a term of service, or the portion of the term of service involved by September 30, 2023 or the individual’s transferee, until the end of the 4-year period beginning on that date.
(ii) AMOUNT FOR PART-TIME NATIONAL SERVICE.—A supplemental national service educational award shall be available to a participant for a term of service, or the portion of the term of service involved by September 30, 2023 or the individual’s transferee, until the end of the 2-year period beginning on that date.
(iii) AMOUNT FOR PART-TIME NATIONAL SERVICE.—A supplemental national service educational award shall be available to a participant for a term of service, or the portion of the term of service involved by September 30, 2023 or the individual’s transferee, until the end of the 1-year period beginning on that date.
(C) CALCULATION.—The amount of the supplemental educational award shall be available to an individual or their transferee described in subparagraph (A) and shall be calculated as follows:
(i) AMOUNT FOR FULL-TIME NATIONAL SERVICE.—(A) that is for a term extending beyond September 30, 2031; or
(B) for which or under which any payment could be withheld after September 30, 2031; and
(1) use any amounts in the Treasury not otherwise appropriated, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, there is appropriated to the Department of Labor, to remain available until September 30, 2030, for support activities described in subparagraphs (A)(vii) and (F) of section 171(c)(2) of such Act.
(2) JOB CORPS.—
(A) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $450,000,000, to remain available until September 30, 2026, to support activities in a national service program that are carried out by the Department of Labor in the Job Corps centers referred to in section 4502 of the TRIP Act of 2007 (42 U.S.C. 3691 note). For the purposes of carrying out paragraph (1), an entity in a State or localized area may be eligible to be selected as an operator or service provider to—
(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and
(ii) improve and expand access to allowances and services described in section 150 of such Act; and
(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).
(2) ELIGIBILITY.—For the purposes of carrying out paragraph (1), an entity in a State or localized area may be eligible to be selected as an operator or service provider to—
(A) providing funds to operators and service providers to—
(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and
(ii) improve and expand access to allowances and services described in section 150 of such Act; and
(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).
(c) PRE-APPRENTICESHIP, AND REGISTERED APPRENTICESHIP PROGRAMS.—
(1) PRE-APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Corporation for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to be made available until September 30, 2026, to carry out activities through grants, cooperative agreements, contracts, or other arrangements, to create or expand pre-apprenticeship programs that articulate to registered apprenticeship programs, that are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(3) of section 26001 by—
(A) providing funds to operators and service providers to—
(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and
(ii) improve and expanding access to allowances and services described in section 150 of such Act; and
(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).
(2) ELIGIBILITY.—For the purposes of carrying out paragraph (1), an entity in a State or localized area may be eligible to be selected as an operator or service provider to—
(A) providing funds to operators and service providers to—
(i) carry out the activities and services described in sections 148 and 149 of the Workforce Innovation and Opportunity Act; and
(ii) improve and expand access to allowances and services described in section 150 of such Act; and
(B) notwithstanding section 158(c) of such Act, constructing, rehabilitating, and acquiring Job Corps centers to support activities described in subparagraph (A).
(3) REGISTERED APPRENTICESHIP PROGRAMS.—In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $1,000,000,000, to be made available until September 30, 2026, to carry out activities, through grants, cooperative agreements, contracts, or other arrangements, to create or expand registered apprenticeship programs that articulate to registered apprenticeship programs, and are aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation, and are aligned with the activities described in subsection (e)(1) of section 26001 to have access to such pre-apprenticeship programs.
(Sec. 26002. Workforce Development in Support of Climate Resilience and Mitigation)
(a) Youth and young adults. In addition to amounts otherwise available, there is appropriated to the Department of Labor for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, $150,000,000, to be made available until September 30, 2026, to support activities aligned with high-quality employment opportunities in industry sectors or occupations related to climate resilience or mitigation and aligned with the activities described in subsection (e)(3) of section 26001 by—
(A) carrying out activities described in section 171(c)(2) of the Workforce Innovation and Opportunity Act; and
(B) improving and expanding access to services and supports, wages, and opportunities for oversight and audit of programs and activities funded under this section.
}
(A) that aligns with the activities described in subsection (e)(3) of section 26001;
(B) in an industry sector that trains less than 10 percent of all civilian registered apprentices as described in subsection (a) of such section;
(C) that is related to climate resilience or mitigation.

(2) REGISTERED APPRENTICESHIP PROGRAM.—The term ‘‘registered apprenticeship program’’ means an apprenticeship program registered with the Office of Apprenticeship of the Employment and Training Administration of the Department of Labor, or a State apprenticeship agency recognized by the Office of Apprenticeship, pursuant to the Act of August 16, 1937 (commonly referred to as the ‘‘Wagner-Peyser Act’’; 50 Stat. 664, chapter 662).

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

Subsection H—Prescription Drug Coverage

Provisions

SEC. 27001. REQUIREMENTS WITH RESPECT TO COVERAGE FOR CERTAIN INSULIN PRODUCTS.

(a) IN GENERAL.—Subpart B of part 7 of subchapter V of chapter 7 of part B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

‘‘Sec. 726. REQUIREMENTS WITH RESPECT TO COVERAGE FOR CERTAIN INSULIN PRODUCTS.

‘‘(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage shall provide coverage of selected insulin products, and with respect to such products, shall not—

(1) impose any copayment or deductible;
(2) impose any cost-sharing in excess of the lesser of, per 30-day supply—
(A) $35; or
(B) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

‘‘(b) REPORTS.—

(1) SELECTED INSULIN PRODUCTS.—The term ‘‘selected insulin products’’ means at least one of each dosage form (such as vial, pump, or inhaler manufacturers, as applicable, such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

(2) INSULIN DEFINED.—The term ‘‘insulin’’ means insulin that is covered under subsection (a) or (b) of section 351 of the Public Health Service Act (42 U.S.C. 262) and continues to be marketed under such subsection, including any insulin product that has been deemed to be listed in the act pursuant to section 7002(c)(4) of the Biologics Price Competition and Innovation Act of 2009 (Public Law 111–148) and continues to be marketed pursuant to such licensure.

(3) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan or issuer that has a network of providers from imposing higher cost-sharing than the levels specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

(4) RULE OF CONSTRUCTION.—Subsection (a) shall not be construed to require coverage of, or prevent a group health plan or health insurance coverage from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, so long as such coverage is otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

(5) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted toward any deductible or out-of-pocket maximum that applies under the plan or coverage.

(b) CLERICAL AMENDMENT.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.) is amended by inserting after the item relating to section 725 the following:

‘‘Sec. 726. Requirements with respect to cost-sharing for certain insulin products.’’

SEC. 27002. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) IN GENERAL.—Subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1021 et seq.) is amended—

(1) in subpart B of part 7 (29 U.S.C. 1185 et seq.) by renumbering the existing sections as sections 724 through 726; and
(2) by adding after the item relating to section 725 the following:

‘‘Sec. 727. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) IN GENERAL.—For plan years beginning on or after January 1, 2023, any plan or issuer providing pharmacy benefit management services on behalf of such a plan or issuer shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors in a manner that prevents the plan or issuer, or an entity or subsidiary providing pharmacy benefit management services on behalf of a plan or issuer, from making the reports described in subsection (b).

(b) REPORTS.—

(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, a health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefit management services on behalf of a group health plan or an issuer providing group health insurance coverage shall submit to the plan sponsor (as defined in section 3(16)(B) of such group health plan or group health insurance coverage) a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each such report shall include, with respect to the applicable group health plan or health insurance coverage—

(A) as applicable, information collected from drug manufacturers by such issuer or entity on the total amount of copayment assistance in the form of copayment assistance or discounts on or after January 1, 2023, that were paid by such issuer or entity to participants and beneficiaries in such plan or coverage;

(B) a list of each drug covered by such plan, issuer, or entity providing pharmacy benefit management services that was dispensed during the reporting period, including, with respect to each such drug during the reporting period—

(i) the brand name, chemical entity, and National Drug Code;

(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy; and

(iii) the wholesale acquired cost per dosage unit and cost per prescriber, or in the case of a drug in another form, per dose;
"(iv) the total out-of-pocket spending by participants and beneficiaries on drugs, including participation and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) for any drug for which gross spending of the group health plan or health insurance coverage exceeded $10,000 during the reporting period—

"(A) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilars that are in the same therapeutic category or class as such drug; and

"(B) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

"(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan or health insurance coverage during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

"(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

"(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

"(iii) if applicable to that category or class, a description of any tier and any cost-sharing mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

"(iv) the total out-of-pocket spending by participants and beneficiaries, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan or coverage—

"(A) the amount received, or expected to be received, by the health plan or manufacturer in rebates, fees, alternative discounts, or other remuneration;

"(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

"(bb) that is related to utilization of drugs, in such therapeutic category or class;

"(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on the category or class of drugs; and

"(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan or health insurance coverage, or its participants or beneficiaries, after manufacturer rebates, fees, and other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;

"(D) total gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer remuneration received;

"(E) total amount received, or expected to be received, by the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on the category or class of drugs; and

"(F) the total net spending on prescription drugs by the health plan or health insurance coverage during the reporting period; and

"(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, intermediaries, advisors, or any other individual or firm who referred the group health plan’s or health insurance issuer’s business to the pharmacy benefit manager.

"(II) DEFINITIONS.—Health insurance issuers offering group health insurance coverage and entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (I) in a manner consistent with the privacy, security, and breach notification regulations of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

"(J) DISCLOSURE AND REDISCLOSURE.—

"(1) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under section (c)(1) may disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (as in effect on December 31, 1999).

"(2) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents a health insurance issuer offering group health insurance coverage to an entity providing pharmacy benefits management services on behalf of a group health plan from placing reasonable restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such issuer or entity may not restrict disclosure of such report to the Department of Health and Human Services, the Equal Employment Opportunity Commission, or the Department of Labor.

"(3) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

"(4) REPORT TO GAO.—A health insurance issuer offering group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (1) with respect to each plan sponsor, and each such report as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines, necessary to carry out the study under section 3006(b) of the Act entitled ‘‘An Act to provide for reclamation pursuant to title II of S. Con. Res. 14.’’

"(c) ENFORCEMENT.—

"(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022—

"(A) to provide technical assistance to the Secretary, in consultation with the Secretary of Health and Human Services and the Secretary of the Treasury, for the purposes of investigating any violation of this section and providing information required under this section to eligible recipients and to eligible contractors for the purposes of

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

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

"(iii) workforce development and training to support the adoption of zero-emission vehicles, and

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

"(B) awards to states, eligible recipients, or to eligible contractors for contracts to replace eligible vehicles with zero-emission vehicles;

"(C) awards to states, eligible recipients, or to eligible contractors for contracts to replace eligible vehicles with zero-emission vehicles;

"(D) awards to states, eligible recipients, or to eligible contractors for contracts to replace eligible vehicles with zero-emission vehicles; and

"(E) awards to states, eligible recipients, or to eligible contractors for contracts to replace eligible vehicles with zero-emission vehicles; and

"(F) awards to states, eligible recipients, or to eligible contractors for contracts to replace eligible vehicles with zero-emission vehicles; and

"(G) awards to states, eligible recipients, or to eligible contractors for contracts to replace eligible vehicles with zero-emission vehicles.

"(2) FAILURE TO PROVIDE TIMELY INFORMATION.—The Secretary shall enforce this section.

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

"(1) ELIGIBLE CONTRACTOR.—The term ‘‘eligible contractor’’ means a contractor that has the capability—

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

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

"(A) a State;

"(B) a municipality;

"(C) a Tribal government;

"(D) a nonprofit school transportation association.

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

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

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

"(B) any greenhouse gas."

SEC. 30102. GRANTS TO REDUCE AIR POLLUTION AT PORTS

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

"SEC. 132. GRANTS TO REDUCE AIR POLLUTION AT PORTS.

"(a) APPROPRIATIONS.—

"(1) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $875,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section:

"(A) to purchase or install zero-emission port equipment or technology for use at, or to directly serve, more than one port;

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

"(C) to develop qualified climate action plans.

"(2) NONATTAINMENT AREAS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,625,000,000, to remain available until September 30, 2027, to award rebates and grants to eligible recipients to support the purchase or installation of such zero-emission port equipment or technology described in paragraph (1) with respect to ports located in air quality areas designated pursuant to section 107 as nonattainment for an air pollutant.

"(b) LIMITATION.—Funds awarded under this section shall not be used by any recipient or subrecipient to purchase or install zero-emission port equipment or technology that will not be located at, or directly serve, the one or more ports involved.

"(c) ADMINISTRATION OF FUNDS.—Of the funds made available by this section, the Administrator shall—

"(1) reserve 2 percent for administrative costs necessary to carry out this section.

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

"(A) a port authority;

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

"(C) an air pollution control agency; or

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

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

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

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

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

"(i) greenhouse gases;

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

"(iii) hazardous air pollutants;

"(B) includes a strategy to collaborate with, communicate with, and address potential effects that cannot be affected by implementation of the plan, including low-income and disadvantaged near-port communities; and

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

"(2) Zero-emission port equipment or technology.—The term 'zero-emission port equipment or technology' means a publicly available equipment or human-maintained technology that—

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

"(B) captures 100 percent of the emissions described in subparagraph (A) that are produced by the Administrator in accordance with this section.

"(2) INDIRECT INVESTMENT.—The eligible recipient shall—

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

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

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

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

"(3) DEFINITIONS.—In this section:

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

"(i) uses proceeds from financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

"(ii) does not take deposits other than deposits provided as part of a grant from financial assistance provided under grant funds under this section; and

"(iii) is located at a multi-unit housing structure.

SEC. 30103. GREENHOUSE GAS REDUCTION FUND.

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

"SEC. 134. GREENHOUSE GAS REDUCTION FUND.

"(a) APPROPRIATIONS.—

"(1) Zero-emission technologies.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,000,000,000, to remain available until September 30, 2024, to make grants, on a competitive basis and beginning not later than 180 calendar days after the date of enactment of this section, to States, municipalities, Tribal governments, and eligible recipients to support the purchase and eligible recipients to support the purchase, installation, or operation of publicly available equipment to charge or fuel light-duty vehicle at the State, local, territorial, or Tribal level or at any other site, including community- and low-income-focused lenders and capital providers.

"(B) Low-income and disadvantaged communities.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2021, for the administrative costs necessary to carry out activities under this section.

"(C) DEFINITIONS.—In this section:

"(D) INDIRECT INVESTMENT.—The term 'indirect investment' means a nonprofit organization that—

"(i) uses proceeds from financial assistance for the rapid deployment of low- and zero-emission products, technologies, and services;

"(ii) does not take deposits other than deposits provided as part of a grant from financial assistance provided under grant funds under this section;

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

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

"(E) QUALIFIED PROJECT.—The term 'qualified project' includes any project, activity, or technology that—

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

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

"(F) PUBLICLY AVAILABLE EQUIPMENT.—The term 'publicly available equipment' means equipment that—

"(A) is located at a multi-unit housing structure;
“(B) is located at a workplace and is available to employees of such workplace or employees of a nearby workplace; or

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

(4) ZEROMISSION TECHNOLOGY.—The term 'zero-emission technology' means a zero-emission vehicle technology that produces zero emissions of—

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

(B) any greenhouse gas.

(5) ZEROMISSION VEHICLE.—The term ‘zero-emission vehicle’ means a vehicle that has a drivetrain that produces no operational mode or condition, zero exhaust emissions of—

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

(B) any greenhouse gas.

SEC. 30104. COLLABORATIVE COMMUNITY WILDFIRE FIRE AIR GRANTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $117,500,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate fenceline air monitoring, screening air monitoring, national air toxics monitoring networks, and other air toxics and community monitoring.

(2) MULTIPOLLUTANT MONITORING STATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $90,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405).

(3) AIR QUALITY SENSORS IN LOW-INCOME AND DISADVANTAGED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate air quality sensors in low-income and disadvantaged communities.

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

(5) METHANE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $18,000,000, to remain available until September 30, 2031, for grants and other activities authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) for monitoring emissions of methane.

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

(1) submitting an application for a grant to be made pursuant to this section; or

(2) carrying out a project using a grant made pursuant to this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs to carry out this section.

(d) ELIGIBLE ENTITIES.—In this section, the term ‘eligible entity’ means—

(1) a state, area, or tribal entity; or

(2) a non-profit organization or other entity.

SEC. 30105. DIESEL EMISSIONS REDUCTIONS.

(a) GOODS MOVEMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2031, for grants authorized under subsections (a) through (c) of section 103 and section 105 of the Clean Air Act (42 U.S.C. 7403(a)–(c), 7405) to deploy, integrate, and operate fenceline air monitoring, screening air monitoring, national air toxics monitoring networks, and other air toxics and community monitoring.

(b) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2031, for technical assistance to schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

(c) ADMINISTRATION OF FUNDS.—Of the funds made available pursuant to subsections (1), (2), (3) and (5) of subsection (a), the Administrator of the Environmental Protection Agency shall reserve 5 percent for activities funded pursuant to such subsection other than for mobile sources pursuant to section 177 of the Clean Air Act (42 U.S.C. 7497).

SEC. 30107. FUNDING TO ADDRESS AIR POLLUTION AT SCHOOLS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $57,900,000, to remain available until September 30, 2031, for grants and other activities to monitor and reduce air pollution and greenhouse gas emissions at schools in low-income and disadvantaged communities under subsections (a) through (c) of section 103 of the Clean Air Act (42 U.S.C. 7403(a)–(c)) and section 105 of that Act (42 U.S.C. 7405).

SEC. 30108. LOW EMISSIONS ELECTRICITY PROGRAM.

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

SEC. 135. LOW EMISSIONS ELECTRICITY PROGRAM.

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2031.

(1) $17,000,000 for consumer-related education, technical assistance, and partnerships within low-income and disadvantaged communities with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(2) $17,000,000 for education, technical assistance, and partnerships with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use; and

(3) $15,000,000 for technical assistance, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

(4) $10,000,000 for outreach and technical assistance to State and local governments, including through partnerships, with respect to reductions in greenhouse gas emissions that result from domestic electricity generation and use;

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

(6) $1,000,000 to carry out activities to ensure that reductions in greenhouse gas emissions from domestic electric generation and use are...
achieved through use of the authorities of this Act, including through the establishment of requirements under this Act, incorporating the assessment under paragraph (5) as a baseline.

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,500,000, to remain available until September 30, 2031—

(a) DEVELOPMENT.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subparagraph (B) of section 98a of title 42, Code of Federal Regulations (or any successor regulations).

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to that subsection.

SEC. 30109. FUNDING FOR SECTION 211(O) OF THE CLEAN AIR ACT.

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for carry out section 211(o) of the Clean Air Act (42 U.S.C. 7445(o)) to support advancements in biofuels.

(b) COMMUNICATIONS WITH ICS.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000, to remain available until September 30, 2023, for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subparagraph (B) of section 98a of title 42, Code of Federal Regulations (or any successor regulations).

(c) INSPECTION SOFTWARE.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to prepare and submit greenhouse gas reports under subparagraph (B) of section 98a of title 42, Code of Federal Regulations (or any successor regulations).

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

SEC. 30111. FUNDING FOR ENFORCEMENT TECHNIQUES AND INFRARED INSTRUMENTATION ASSISTANCE.

(a) COMPLIANCE MONITORING.—In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $37,000,000, to remain available until September 30, 2023, for the purposes of providing financial and technical assistance to owners and operators of applicable facilities to support enforcement activities pursuant to that subsection.

(b) ADMINISTRATIVE COSTS.—Of the amounts made available under this section, the Administrator of the Environmental Protection Agency shall reserve 5 percent for administrative costs necessary to carry out activities pursuant to that subsection.

(c) DEFINITIONS.—In this section:

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

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

(3) INCREASED CARBON EFFICIENCY.—The term "increased carbon efficiency" means the amount of greenhouse gas emissions abated or avoided associated with a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(4) ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.—The term "environmental product declaration assistance" means amounts made available under this section.

(5) INCREASED CARBON EFFICIENCY ASSISTANCE.—The term "increased carbon efficiency assistance" means amounts made available under this section.

SEC. 30112. GREENHOUSE GAS CORPORATE REPORTING.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to deploy new implementation and compliance tools to carry out subsections (a) through (k) and subsection (l) of section 103 of division S of Public Law 116–260 (42 U.S.C. 7675).

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

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

(3) INCREASED CARBON EFFICIENCY.—The term "increased carbon efficiency" means the amount of greenhouse gas emissions abated or avoided associated with a material or product, measured in kilograms of carbon dioxide-equivalent per unit of such material or product.

(4) ENVIRONMENTAL PRODUCT DECLARATION ASSISTANCE.—The term "environmental product declaration assistance" means amounts made available under this section.

(5) INCREASED CARBON EFFICIENCY ASSISTANCE.—The term "increased carbon efficiency assistance" means amounts made available under this section.
“(b) WASTE EMISSIONS CHARGE.—The Admini-
strator shall impose and collect a charge on
methane emissions that exceed an applicable
waste emissions threshold under subsection (e) from
an industry segment in subsection W of part 98 of
Title 40, Code of Federal Regulations (or any suc-
cessor regulations).

“(c) APPLICABLE FACILITY.—For purposes of
this section, the term ‘applicable facility’ means a fac-
ility within the following industry segments
listed in subsection W of part 98 of Title 40, Code of Federal
Regulations (or any successor regulations):

(1) Offshore petroleum and natural gas pro-
duction;
(2) Onshore petroleum and natural gas pro-
duction;
(3) Onshore natural gas processing;
(4) Onshore natural gas transmission com-
pression;
(5) Underground natural gas storage;
(6) Liquefied natural gas storage;
(7) Liquefied natural gas import and export
equipment;
(8) Offshore petroleum and natural gas gath-
ering and boosting;
(9) Onshore natural gas transmission pipe-
line;
(10) Petrochemical natural gas produc-
ding;
(11) Petroleum and natural gas produc-
tion. With respect to imposing and collecting the
charge under subsection (b) for an applicable
facility in an industry segment listed in para-
graph (1) or (2) of subsection (c), the Admin-
istrator shall impose and collect the charge on
the reported tons of methane emissions that exceed

(A) 0.20 percent of the natural gas sent to
sale from such facility; or
(B) 10 metric tons of methane per million
barrels of oil sent to sale from such facility, if
such facility sent no natural gas to sale.

(2) NONPRODUCTION PETROLEUM AND NAT-
URAL GAS SYSTEMS.—With respect to imposing and
collecting the charge under subsection (b) for an
applicable facility in an industry segment listed in
paragraph (3), (6), (7), or (8) of subsection (c), the Admin-
istrator shall impose and collect the charge on the reported tons of meth-
ane emissions that exceed 0.05 percent of
the natural gas sent to sale from such facility.

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

(4) EXEMPTION.—Charges shall not be im-
posed pursuant to paragraph (1) on emissions
that exceed the waste emissions threshold speci-
fied in that paragraph if such emissions are
caused by unreasonable delay in environmental
permitting of gathering infrastructure.

(i) PERIOD.—The charge under subsection (b)
shall be imposed beginning with respect to emissions reported for calendar year
2023 and for each year thereafter.

“(g) IMPLEMENTATION.—In addition to other
authorities in this Act addressing air pollution
from the oil and natural gas sectors, the Admin-
istrator may issue guidance or regulations as
necessary to implement this section.

“(h) REPORTING.—Not later than 2 years after
the date of enactment of this section, and as
necessary thereafter, the Administrator shall re-
port to the President of the United States
that exceed the waste emissions threshold spec-
ified in subsection (e) from such facility sent no
natural gas to sale.

“(i) LIABILITY FOR CHARGE PAYMENT.—A fa-

The Clean Air Act is amended by inserting
after section 136 of such Act, as added by sec-
tion 2014 of this Act, the following:

SEC. 137. GREENHOUSE GAS AIR POLLUTION
PLANS AND IMPLEMENTATION GRANTS.

“(a) APPROPRIATIONS.—
(1) GREENHOUSE GAS AIR POLLUTION PLAN-
NING GRANTS.—In addition to amounts otherwise available, the Admin-
istrator for fiscal year 2022, out of any
money in the Treasury not otherwise appro-
priated, $4,750,000,000, to remain available until
September 30, 2031, to carry out subsection (b).
(2) GREENHOUSE GAS AIR POLLUTION IM-
PLEMENTATION GRANTS.—In addition to amounts otherwise available, there is
appropriated to the Administrator for fiscal year 2022, out of any
money in the Treasury not otherwise appro-
priated, $20,000,000, to remain available until
September 30, 2026, to carry out subsection (b).

“(b) GREENHOUSE GAS AIR POLLUTION IM-
PLEMENTATION GRANTS.—In addition to amounts otherwise available, there is
appropriated to the Administrator for fiscal year 2022, out of any
money in the Treasury not otherwise appro-
priated, $250,000,000, to remain available until
September 30, 2031, to carry out subsection (b).

“(c) APPLICATION.—To apply for a grant under this subsection, an eligible entity shall
submit to the Administrator an application at
such time, in such manner, and containing such
information as the Administrator shall require,
the Administrator shall reserve 3 percent for administra-
tion of the charge under subsection (b) is not af-
fected in any way by emission standards, permit-
fees, penalties, or other requirements under this
Act or any other legal authority.

“(d) ELIGIBLE ENTITY DEFINED.—In this sec-
tion, the term ‘eligible entity’ means—

(1) a State;
(2) an air pollution control agency;
(3) a municipality;
(4) an Indian tribe; and
(5) any other entity listed in paragraphs (1) through (4).

SEC. 30117. ENVIRONMENTAL PROTECTION AGEN-
CY EFFICIENT, ACCURATE, AND TIMELY REVIEWS.

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

SEC. 30118. LOW-EMBEDDED CARBON LABELING
FOR CONSTRUCTION MATERIALS FOR TRANSPORTATION PROJECTS.

(a) IN GENERAL.—In addition to amounts other-
wise available, there is appropriated to the
Administrator of the Environmental Protection
Agency for fiscal year 2022, out of any money in the Treasury not otherwise appro-
priated, $19,000,000, to remain available until
September 30, 2026, to develop and carry out a program, in consultation with the Administrator of the Fed-
eral Highway Administration, to identify and to
promote the use of construction materials, low-embodied carbon construction mate-
rials and products used for transportation projects, and for necessary administrative costs of the Administrator of the Environmental Protec-
tion Agency to carry out this section.

(b) DEFINITIONS.—In this section:

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

(2) ENVIRONMENTAL PRODUCT DECLARA-
TION.—The term ‘environmental product declara-
tion’ means a document that reports the environ-
mental impact of a material or product—

(A) includes measurement of the embodied
carbon of the material or product;
(B) conforms with international standards, such as a Type III environmental product declaration as defined by the International Organization for Standardization standard 14025; and

(C) is reported on a standardized reporting system as specified by the Administrator of the Environmental Protection Agency.

(3) LOW-EMBODIED CARBON CONSTRUCTION MATERIALS AND PRODUCTS.—The term ‘low-emodied carbon construction materials and products’ means construction materials and products issued by the Administrator of the Environmental Protection Agency as having substantially lower levels of embodied carbon as compared to specified industry averages of similar materials or products.

Subtitle B—Hazardous Materials

SEC. 30201. GRANTS TO REDUCE WASTE IN COMMUNITIES.

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

“(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $95,000,000, to remain available until September 30, 2031, for—

(A) construct, expand, or modernize infrastructure and reduce use of organic material, including any facility, machinery, or equipment used to collect and process organic materials;

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

“(b) ADMINISTRATION OF FUNDS.—Of the amounts made available under subsection (a), the Administrator shall award grants for periods of up to 3 years to eligible entities to carry out activities described in paragraph (2) that benefit disadvantaged communities, as defined by the Administrator.

“(1) ELIGIBLE ENTITIES.—An eligible entity may use a grant awarded under this subsection for—

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

(B) mitigating climate risks from urban heat islands, extreme heat, wild fire events; and

(C) climate resiliency and adaptation;

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

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

“(2) ELIGIBLE ACTIVITIES.—In this subsection, the term ‘eligible activity’ means—

(A) a partnership between—

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

(ii) a community-based nonprofit organization; or

(B) a community-based nonprofit organization; or

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

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

SEC. 30202. ENVIRONMENTAL AND CLIMATE JUSTICE BLOCK GRANTS.

The Clean Air Act is amended by inserting after section 137, as added by subsection A of this title, the following:

“Title III, the term ‘eligible recipient’ means—

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

(2) a non-profit organization; or

(3) the United States Virgin Islands; and

(4) the Commonwealth of Puerto Rico; or

(5) American Samoa;

(6) Guam;

(7) the United States Virgin Islands; and

(8) the Commonwealth of the Northern Mariana Islands.

Subtitle D—Energy

PART 1—RESIDENTIAL EFFICIENCY AND ELECTRIFICATION REBATES

SEC. 30311. HOME ENERGY PERFORMANCE-BASED REBATES AND TRAINING GRANTS.

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

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $360,000,000, to remain available until September 30, 2030, to award grants to States to develop and implement a State program described in section 362(d)(13) of the Energy Policy and Conservation Act (42 U.S.C. 622(d)(13)), which shall partner with nonprofit organizations to—

(A) provide training courses and opportunities to support home energy efficiency

(2) grants under subsection (d) of section 1464(h) of that Act (42 U.S.C. 300f–4(h)) to entities eligible for grants under that program that serve disadvantaged communities; and

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

(C) for compliance monitoring in disadvantaged communities.

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

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

SEC. 30312. FUNDING FOR WATER ASSISTANCE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $255,000,000, to remain available until expended, to provide grants to States, Indian Tribes, and Tribal organizations to assist households that pay a high proportion of household income for drinking water and wastewater (including stormwater) services, particularly households with an annual income that is less than or equal to 150 percent of the Federal poverty line, by providing assistance to community water systems (as defined in section 1401 of the Safe Drinking Water Act (42 U.S.C. 300j–1)) or publicly owned treatment works (as defined in section 302 of the Federal Water Pollution Control Act (33 U.S.C. 1292)) to reduce the arrearages of and rates charged to those households for services by up to 100 percent.

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

(c) DEFINITION OF STATE.—In this section, the term ‘State’ means—

(1) each of the 50 States;

(2) the District of Columbia;

(3) the Commonwealth of Puerto Rico;

(4) American Samoa;

(5) Guam;

(6) the United States Virgin Islands; and

(7) the Commonwealth of the Northern Mariana Islands.

Subtitle E—Energy
upgrade construction services to train workers, both on-line and in-person, to support and provide for the home energy efficiency retrofits under subsection (b), and for administrative expenses associated with carrying out this subsection.

(2) QUALIFYING PROGRAMS.—For the purposes of this paragraph, qualifying programs are programs that
(A) provide the equivalent of at least 20 hours in total course time;
(B) are provided by a provider that is accredited by the Interstate Renewable Energy Council or has other accreditation determined to be equivalent by the Secretary;
(C) are related to a particular job, aligned with the relevant National Renewable Energy Laboratory Job Task Analysis, or other credentialing program foundation that helps identify industry core knowledge areas, critical work functions, or skills, as approved by the Secretary;
(D) have established learning objectives;
(E) include, as the Secretary determines appropriate, an appropriate assessment of such learning objectives that may include a final exam, to be proctored on-site or through remote proctoring, or be in-person field exam; and
(F) include training related to—
(i) contractor certification;
(ii) energy auditing or assessment;
(iii) systems (including Energy Star qualified HVAC systems and Wi-Fi-enabled home energy communications technology, or any future technology that achieves the same goals);
(iv) insulation installation and air leakage control;
(v) health and safety regarding the installation of energy efficiency measures or health and safety impacts associated with energy efficiency retrofits;
(vi) water quality;
(vii) energy efficiency retrofits in manufactured housing; and
(viii) residential electrification training and conversion training.

(3) STATE ENERGY PROGRAM PROVIDERS.—A State energy office may use not more than 10 percent of the amounts made available to the State energy office under this subsection to administer a qualifying program described in paragraph (2), including the conduct of data gathering and operations and activities.

(4) TERMS AND CONDITIONS.—
(A) ELIGIBLE USE OF FUNDS.—Of the amounts made available to a State under this subsection, 85 percent shall be used by the State—
(i) to develop and maintain the qualifications and conditions of qualifying programs, including establishing, modifying, or maintaining the online systems, staff time, and software and online program management, through a course that meets the applicable criteria;
(ii) to reimburse the contractor company for training costs for employees;
(iii) to reimburse employees or any technology support needed for an employee to receive training pursuant to this subsection; and
(iv) to support wages of employees during training.

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

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

(5) HOME OWNER MANAGING ENERGY SAVINGS (HOMES) REBATES.—
(A) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,890,000,000, to remain available until September 30, 2030, to award grants, in accordance with the formula for the State Energy Program under part D of title III of the Energy Policy and Conservation Act in effect on January 1, 2021, to State energy offices to establish Home Owner Managing Energy SAVINGS (HOMES) Rebate Programs pursuant to section 362(d)(5) of such Act (42 U.S.C. 6322(d)(5)), and for administrative expenses associated with carrying out this subsection.

(B) COORDINATION.—In carrying out this subsection, the Secretary shall coordinate with State energy offices to ensure that programs authorized under this subsection result in maximum greenhouse gas emissions reductions and household energy and costs savings.

(C) application.—In awarding a grant under this subsection, a State shall submit to the Secretary an application that includes a plan to implement a qualifying State program that includes—
(A) a plan to ensure that each home energy retrofit under the program—
(i) is completed by a contractor who meets minimum training requirements, certification requirements, and other requirements established by the Secretary; and
(ii) includes installation of 1 or more home energy retrofit measures that are modeled to achieve, or are shown to achieve, the minimum energy efficiency improvements associated with the eligible home;
(B) a plan—
(i) to provide for any home technology support services funded by the rebate to buyers, real estate agents, appraisers and lenders; and
(ii) procedures for homeowner to transfer the right to claim a rebate to the contractor performing the applicable home energy efficiency retrofit or to an aggregator, if the State program will utilize aggregators;
(C) if the State program will utilize aggregators to facilitate delivery of rebates to homeowners or homeowners or homeowners for an entity to be eligible to serve as an aggregator;
(Quality monitoring to ensure that each installation is documented in a certificate, provided by the contractor to the homeowner, that details the work, including information about the characteristics of equipment and materials installed, as well as projected energy savings or energy generation, in a way that will enable the homeowner to communicate the value of the high-performing features funded by the rebate to buyers, real estate agents, appraisers and lenders; and
(F) a procedure for providing the contractor performing a home energy efficiency retrofit or rebates for energy savings to the right to claim such rebate with $200 for each home located in an underserved community that receives a home efficiency retrofit for which a rebate is provided under this Act.

(4) AMOUNT OF RATES FOR SINGLE FAMILY AND MULTIFAMILY HOMES.—Of the amounts provided to a State energy office under this subsection, 85 percent shall be used to provide Home Owner Managing Energy Savings (HOMES) Rebates to—
(i) $2,000 for a retrofit that achieves at least 20 percent modeled energy savings or 50 percent of the project cost, whichever is lower;
(ii) $4,000 for a retrofit that achieves at least 35 percent modeled energy system savings or 50 percent of the project cost, whichever is lower; or
(iii) for measured energy savings, a payment per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average home in the State, for homes or portfolios of homes that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower.

(B) multifamily building owners and aggregators for the energy efficiency upgrades of multifamily buildings—
(i) $2,000 per dwelling unit for a retrofit that achieves at least 20 percent modeled energy system savings up to a maximum of $200,000 per multifamily building;
(ii) $4,000 per dwelling unit for a retrofit that achieves at least 35 percent modeled energy system savings up to a maximum of $400,000 per multifamily building;
(iii) for measured energy savings, a payment rate per kilowatt hour saved, or kilowatt hour-equivalent saved, equal to $2,000 for a 20 percent reduction of energy use for the average multifamily building in the State, for multifamily buildings or portfolios of buildings that achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower;
(C) individuals and aggregators for the energy efficiency upgrades of single family homes of 4 units or less or multifamily buildings that receive awards are formulated to achieve at least 15 percent energy savings, or 50 percent of the project cost, whichever is lower; or
(D) energy efficiency retrofits in manufactured housing;
(E) residential electrification training and conversion training;
(F) a procedure for providing the contractor performing a home energy retrofit or rebates for energy savings to the right to claim such rebate with $200 for each home located in an underserved community that receives a home efficiency retrofit for which a rebate is provided under this Act.

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

(7) PLANNING.—Not to exceed 20 percent of any grant made with funds made available under this subsection shall be used for the purposes of each of subparagraphs (A), (B), and (C) of paragraph (4).

(8) TECHNICAL ASSISTANCE.—Amounts made available under this subsection shall be used for technical assistance for single family, multifamily, and manufactured housing rebates and the Secretary shall, in consultation with States, contractors, and other technical experts, provide for funding to support the training and development of home energy auditors, technicians, and other certification programs appropriate for the different building stock.
(9) USE OF FUNDS.—Rebate amounts made available through the High-Efficiency Electric Home Rebate Program established under subsection (b) of section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) are amended to read as follows:

**SEC. 30412. HIGH-EFFICIENCY ELECTRIC HOME REBATE PROGRAM.**

(a) IN GENERAL.—Section 124 of the Energy Policy Act of 2005 (42 U.S.C. 15821) is amended—

(1) APPROPRIATION.—With respect to the amount appropriated in the case of a qualified electrification project described in subsection (d)(1)(A)(i)(II) that installs an electric load or service center panel that enables the installation and use of energy in the event of power outage, infrastructure, component, or other item installed pursuant to any qualified electrification project, not more than $3,000;

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

(ii) Costs.—

(1) IN GENERAL.—Subject to subsection (c)(1)(A), the amount of a qualified electrification project, subject to subparagraph (B), equal to a high-efficiency electric home rebate provided pursuant to the HOMES Rebate Program established under subsection (b).

(2) AMOUNT OF REBATE.—

(A) IN GENERAL.—Subject to subsection (c)(1)(A), a high-efficiency electric home rebate under paragraph (1) is subject to—

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

(ii) does not include any other community that the Secretary determines is disproportionately vulnerable to, or bears a disproportionate burden of, any combination of economic, social, and environmental stressors.**
provided for a qualified electrification project described in subsection (d)(11)(A)(ii) only if the applicable electric heat pump clothes dryer—

(i) replaces a nonelectric clothes dryer; or

(ii) is part of a new construction.

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

(A) GENERAL INCENTIVE.—

(i) In general.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $500 to the certified contractor company or qualified provider carrying out the qualified electrification project.

(ii) Qualified electrification project referred to in clause (i) is a qualified electrification project—

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

(aa) is a replacement for the household of the homeowner of which is certified, as applicable, as low- or moderate-income;

(bb) is located in a Tribal community; or

(bb) is certified, or the household of the homeowner or a multifamily building for which a rebate is provided under this subsection; and

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

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

(B) INCENTIVE FOR QEP'S IN CERTAIN COMMUNITIES.—

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

(ii) Qualified electrification project referred to in clause (i) is a qualified electrification project—

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

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

(bb) is certified, or the household of the homeowner or a multifamily building for which a rebate is provided under this subsection; and

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

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

(C) INCENTIVE FOR CERTAIN LABOR PRACTICES.—

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

(ii) Qualified electrification project referred to in clause (i) is a qualified electrification project—

(I) that is carried out—

(aa) at a home or multifamily building; and

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

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

(iii) with respect to which—

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

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

(D) MAXIMUM INCENTIVE.—

(i) In general.—With respect to each qualified electrification project described in clause (ii), the Secretary shall provide a payment of $500 to the certified contractor company or qualified provider carrying out the qualified electrification project.

(ii) Qualified electrification project referred to in clause (i) is a qualified electrification project—

(I) that is carried out—

(aa) at a home or multifamily building that—

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

(bb) is located in a Tribal community; or

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

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

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

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

(iv) to—

(A) an amount provided to a certified contractor company or qualified provider under any of subparagraphs (A) through (D);

(B) the high-efficiency electric home rebate received by the certified contractor company or qualified provider under any of subparagraphs (A) through (D).

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

(6) MULTIFAMILY BUILDINGS.—

(A) IN GENERAL.—Subject to subparagraph (B), the owner of a multifamily building may transfer the right to claim a rebate under this subsection to the certified contractor company or qualified provider carrying out the applicable qualified electrification project.

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

(7) PROCESS.—

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

(B) QUALIFIED ELECTRIFICATION PROJECT LIST.—

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

(ii) REQUIREMENTS.—The list published under clause (i) shall include specifications for—

(A) a qualified electrification project carried out at the applicable qualified electrification project.

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

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

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

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

(B) CLARIFICATION.—An amount provided to a certified contractor company or qualified provider under any of subparagraphs (A) through (D) shall be in addition to the amount of any high-efficiency electric home rebate received by the certified contractor company or qualified provider under any of subparagraphs (A) through (D).
“(I) is certified as low- or moderate-income; or
“(II) is located in a Tribal community; and
“(iii) with respect to which more than 60 percent of the median annual household income for the area in which the multifamily building is located; and
“(II) have average monthly rental prices that are equal to, or less than, an amount that is equal to 30 percent of the average monthly household income for the area in which the multifamily building is located."

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

(A) DEFINITIONS.—In this section:

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

(2) CERTIFIED CONTRACTOR COMPANY.—The term ‘certified contractor company’ means a company—

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

(1) to residential building owners; and
(2) for which a rebate may be provided pursuant to this section;

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

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

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

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

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

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

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

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

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

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

(7) HOME.—The term ‘home’ means each of—

(A) a building with more than 4 dwelling units, individual condominium units, or manufactured housing units, that—

(1) is located in a State; and

(2)(I) is the primary residence of—

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

(bb) a renter; or

(bb) is a new-construction single-family residential building; and

(B) a unit of a multifamily building that—

(1) is owned by an individual who is not the owner of the multifamily building; or

(2)(I) is located in a State; and

(II) is the primary residence of—

(A) the owner of that unit; or

(B) a renter.

(8) HVAC.—The term ‘HVAC’ means heating, ventilation, and air conditioning,

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

(A) with an annual income that is less than 80 percent of the median annual income of the area in which the household is located, which such annual median income of the area is determined according to the most recent available data; or

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

(10) MULTIFAMILY BUILDING.—The term ‘multifamily building’ means any building—

(A) with 5 or more dwelling units that—

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

(2) may share common facilities; and

(B) that is not a home.

(II) QUALIFIED ELECTRIFICATION PROJECT; QEP.—

(A) IN GENERAL.—The term ‘qualified electrification project’ and ‘QEP’ mean a project that, as applicable—

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

(I) an electric load or service center upgrade;

(II) an electric heat pump;

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

(IV) an electric clothes dryer or

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

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

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

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

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

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

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

(III) QUALIFIED PROVIDER.—The term ‘qualified provider’ means an electric utility, Tribal-owned entity or Tribally Designated Housing Entity (TDHE), or commercial, nonprofit, or community-owned entity, including a retailer and a certified contractor company, that provides services for which a rebate may be provided pursuant to this section for 1 or more portfolios that consist of 3 or more certified electrification projects.

(IV) SOLAR PHOTOVOLTAIC SYSTEM.—The term ‘solar photovoltaic system’ means a system—

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

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

(11) STATE.—The term ‘State’ means a State, the District of Columbia, or any territory or possession of the United States.

(12) TRIBAL.—The term ‘Tribal community’ means a Tribal tract or Tribal block group.

(13) LOW- OR MODERATE-INCOME.—The term ‘underserved community’ means a community located in a census tract that is identified by the Secretary as—

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

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

(14) CONFORMING AMENDMENTS.—

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

‘Sec. 124. High-Efficiency Electric Home Rebate Program.’

(b) In section 3201(c)(2)(A)(i) of the Energy Act of 2020 (42 U.S.C. 17322(c)(2)(A)(i)) is amended by striking ‘(ii) each’ and inserting ‘(ii) each’. 

(15) BUILDING EFFICIENCY AND RESILIENCE sec. 30421. CRITICAL FACILITY MODERNIZATION. —

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available through September 30, 2021, to provide financial assistance to States to develop and implement the programs described in subsection (d)(6) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6222), as part of an approved State energy conservation plan under that section, to be distributed to States in accordance with the formula for the State Energy Program established in part 420 of title 10, Code of Federal Regulations (as in effect on January 1, 2021), to carry out projects to improve the energy resilience of public or nonprofit buildings, including projects to increase the energy efficiency and grid integration of public or nonprofit buildings or the renewable energy used at public or nonprofit buildings.

(b) USE OF FUNDS.—

(1) GUIDELINES.—Not later than 180 days after the date of enactment of this Act, the Secretary shall issue guidelines for measures for States to include in any program with respect to which a State receives financial assistance under this section.

(2) ADMINISTRATIVE EXPENSES.—A State receiving financial assistance under this section shall use not more than 10 percent for administrative purposes.

(3) NO MATCHING FUNDS REQUIREMENT.—The Secretary may not require a State receiving financial assistance under this section to provide matching funds.

(c) LIMITATIONS.—Activities carried out using funds appropriated under subsection (a) shall not be subject to the expenditure limitations and limitations of the State Energy Program under section 420.18 of title 10, Code of Federal Regulations.

(d) DEFINITIONS.—In this section:

(1) ENERGY RESILIENCE.—The term ‘energy resilience’ means the ability to withstand and quickly recover from an energy supply disruption.

(2) PUBLIC OR NONPROFIT BUILDING.—The term ‘public or nonprofit building’ means a public or nonprofit building described in section 362(d)(5)(B) of the Energy Policy and Conservation Act (42 U.S.C. 6222(d)(5)(B)).

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

Sec. 30422. ASSISTANCE FOR LATEST AND ZERO BUILDING ENVELOPE. —

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

(1) $100,000,000, to remain available until September 30, 2021, to carry out activities under section 421(d) of the Energy Policy and Conservation Act (42 U.S.C. 6231 through 6236) in accordance with subsection (b); and
(2) $200,000,000, to remain available until Sep-
ember 30, 2031, to carry out activities under part D of title III of the Energy Policy and Con-
servation Act (42 U.S.C. 6231 through 6238) in accordance with subsection (c).

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

(1) adopt—

(A) a building energy code (or codes) for residen-
tial dwellings that meets or exceeds the 2021 International Energy Conservation Code, or
(B) a building energy code (or codes) for com-
mercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or
(C) any combination of building energy codes described in subparagraph (A) or (B);

(2) implement a plan for the jurisdiction to achieve full compliance with any building en-
ergy code adopted under paragraph (1) in new and renovated residential or commercial build-
ing facilities, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary of En-
ergy shall use funds made available under sub-
section (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes, to—

(1) adopt a building energy code (or codes) for residential dwellings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent state code, and

(2) implement a plan for the jurisdiction to achieve full compliance with any building en-
ergy code adopted under paragraph (1) in new and renovated residential and commercial build-
ing facilities, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share re-
quirement under the item relating to “Department of Energy—Energy Conservation” in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6232a; 90 Stat. 1861) shall not apply to assis-
tance provided under this section.

(e) STATE DEFINED.—In this section, the term “State” has the meaning given that term in sec-

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

PART 3—ZERO-EMISSIONS VEHICLE INFRASTRUCTURE

SEC. 30431. ZERO-EMISSIONS VEHICLE INFRA-
STRUCTURE GRANTS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated in sub-
section (d)(5) of section 362 of the Energy Policy and Conservation Act (42 U.S.C. 6322), as part of an approved State energy conservation plan under that section, to carry out projects to build out publicly accessible level 2 electric vehicle supply equipment in rural communities or underserved or disadvantaged communities;

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

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

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

(1) adopt—

(A) a building energy code (or codes) for residen-
tial dwellings that meets or exceeds the 2021 International Energy Conservation Code, or
(B) a building energy code (or codes) for com-
mercial buildings that meets or exceeds the ANSI/ASHRAE/IES Standard 90.1-2019, or
(C) any combination of building energy codes described in subparagraph (A) or (B);

(2) implement a plan for the jurisdiction to achieve full compliance with any building en-
ergy code adopted under paragraph (1) in new and renovated residential or commercial build-
ing facilities, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(c) ZERO ENERGY CODE.—The Secretary of En-
ergy shall use funds made available under sub-
section (a)(1) for grants to assist States, and units of local government that have authority to adopt building codes, to—

(1) adopt a building energy code (or codes) for residential dwellings that meets or exceeds the zero energy provisions in the 2021 International Energy Conservation Code or an equivalent state code, and

(2) implement a plan for the jurisdiction to achieve full compliance with any building en-
ergy code adopted under paragraph (1) in new and renovated residential and commercial build-
ing facilities, as applicable, which plan shall include active training and enforcement programs and measurement of the rate of compliance each year.

(d) STATE MATCH.—The State cost share re-
quirement under the item relating to “Department of Energy—Energy Conservation” in title II of the Department of the Interior and Related Agencies Appropriations Act, 1985 (42 U.S.C. 6232a; 90 Stat. 1861) shall not apply to assis-
tance provided under this section.

(e) STATE DEFINED.—In this section, the term “State” has the meaning given that term in sec-

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

The term “networked direct current fast charge electric vehicle supply equipment” means electric vehicle supply equipment that is capable of pro-
viding a direct current power source at a minimum of 50 kilowatts output in order to connect to a network to facilitate at least data collection and access.

(5) PRIVATE THIRD-PARTY ENTITY.—The term “private third-party entity” means a non-governmental entity, including a private business, that is able to contract with the State or an eligible entity to carry out projects to build out publicly accessible level 2 electric vehicle supply equipment or hydrogen fueling stations.

(6) PUBLICLY ACCESSIBLE.—The term “publicly accessible” means accessible to members of the public, including vehicles owned or operated by—

(A) multihousing structures;

(B) workplaces;

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

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

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

(8) UNDERSERVED OR DISADVANTAGED COMMU-
NITY.—The term “underserved or disadvantaged community” means a community or geographic area that is—

(A) a low-income community;

(B) a Tribal community;

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

(D) disproportionately vulnerable to, or bear-
ing a disproportionate burden of, any combina-
tion of economic, social, environmental, or cli-
tal stressors.

PART 4—DOE LOAN AND GRANT PROGRAMS

SEC. 30441. FUNDING FOR DEPARTMENT OF EN-
ERGY LOAN AND GRANT PROGRAMS

(a) COMMITMENT AUTHORITY.—In addition to commitment authority otherwise available and previously provided, the Secretary of Energy may make commitments to guarantee loans for eligible projects under section 1701 of the Energy Policy Act of 1992 up to a total principal amount of $40,000,000,000, to remain available until November 30, 2028, to cover the amount of amounts collected pursuant to section 1702(b)(2) of the Energy Policy Act of 2005, the source of such payment received from borrowers may not be used for any other debt obligation that is guar-
anted by the Federal Government: Provided

further, That none of such loan guarantee author-
ty made available by this section shall be available for any project unless the President has certified in advance in writing that the loan guarantee and the project comply with the provisions under this section: Provided

further, That none of such loan guarantee author-
ty made available by this section shall be available for commitments to guarantee loans for any projects where funds, personnel, or property (or intangible property) of the Department of Energy, or an instrumentality, personnel, or affiliated entity are expected to be used (directly or indirectly) through acquisitions, contracts, demonstrations, exchanges, grants, incentives, leases, procure-
ments, sales, other transaction authority, or other arrangements, to support the project or to obtain goods or services from the project: Pro-
vided

further, That the previous proviso shall not be interpreted as precluding the use of the loan guarantee authority provided by this sec-
tion for commitments to guarantee loans for—

(1) a project that is benefiting from otherwise allowable Federal tax bene-
fits;

(2) projects as a result of such projects benefit-
ting from being located on Federal land pursu-
ant to a lease or right-of-way agreement for which all consideration for all uses is—
(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,600,000,000, to remain available until September 30, 2026, for the costs of guarantees made under section 1703 of the Energy Policy Act of 2005, using the loan guarantee authority provided under subsection (a) of this section.

(b) ADMINISTRATIVE EXPENSES.—Of the amount made available under subsection (b), the Secretary of Energy shall reserve 3 percent for administrative costs of providing loan guarantees under section XVII of the Energy Policy Act of 2005 and for carrying out section 1702(h)(3) of such Act.

SEC. 30442. ADVANCED TECHNOLOGY VEHICLE MANUFACTURING PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2028, for the costs of providing any credit product or support the Secretary determines appropriate to implement this section, including—

(1) a fee from each eligible entity that received any financial support provided under this section, including—

(A) a guarantee, including a letter of credit for the purposes of subsection (b)(3),

(B) a letter of credit,

(2) if the eligible entity is a utility subject to section 203 of the Federal Power Act (16 U.S.C. 824p) for an amount equal to $2,000,000,000 and inserting "$20,000,000,000".

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

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

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

(A) a letter of credit,

(B) a guarantee, including a letter of credit for the purposes of subsection (b)(3).

SEC. 30445. TRIBAL ENERGY LOAN GUARANTEE PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000,000, to remain available until September 30, 2028, to carry out section 206(c) of the Energy Policy Act of 1992 (25 U.S.C. 3502(c)).

(b) INCLUSIONS IN TITLE XVI DEFINITION OF GUARANTEE.—Section 1701(b)(4) of the Energy Policy Act of 2005 (25 U.S.C. 3501(b)(4)) is amended by striking the period at the end and inserting "and, for purposes of minimizing financial costs, includes a guarantee by the Secretary of 100 percent of the principal and interest due on any obligation to the Federal Financing Bank.

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

(1) in paragraph (1), by striking "(as defined in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a)) for an amount equal to not more than 90 percent of" and inserting "(as defined in section 1701 of the Energy Policy Act of 2005 (25 U.S.C. 1701)) for"; and

(2) in paragraph (4), by striking "$2,000,000,000" and inserting "$20,000,000,000".

PART 5—ELECTRIC TRANSMISSION

SEC. 30451. TRANSMISSION LINE AND INTERSTATE INCENTIVES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2030, $1,500,000,000 for purposes of providing grants under subsection (b) and for administrative expenses associated with carrying out this section, and $500,000,000 for costs of providing any long-lived assets, lands, or infrastructure currently or previously used by the eligible entity primarily for the purpose of making or enabling low-carbon reinvestment in energy communities, which such reinvestments may include—

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

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

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

(4) mitigating the effects of beneficiaries of any significant reduction in the carbon intensity of goods or services provided by the eligible entity, including by the cost-effective abatement of greenhouse gas emissions from continuing operations and the repowering, retrofitting, repurposing, redeveloping, or remediating of any long-lived assets, lands, or infrastructure currently or previously used by the eligible entity primarily for the purpose of making or enabling low-carbon reinvestments in energy communities.

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

(1) a detailed plan describing the activities to be carried out in accordance with subsection (b), including any loan repayments, conditions for repayment, and, for purposes of any long-lived assets, lands, or infrastructure, and for purposes of any long-lived assets, lands, or infrastructure, the measurement, monitoring, and verification of emissions of greenhouse gases; and

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

(c) OTHER REQUIREMENTS.—

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

(2) SPECIFIC APPROPRIATION OR CONTRIBUTION.—Any cost for any financial support provided under this section shall be paid in accordance with subsection (b) of section 1702 (for purposes of any reference in such subsection to a guarantee shall be considered to be a reference to financial support).

(d) DEFERRED.—In this section—

(1) COST.—Notwithstanding section 1701, the term 'cost' has the meaning given such term in section 502 of the Federal Credit Reform Act of 1990 (2 U.S.C. 661a).

(2) ELIGIBLE ENTITY.—The term 'eligible entity' means any entity that is directly affiliated with the provision of energy-intensive goods or services.
Energy Act of 1954 (42 U.S.C. 2210); or (4) electric generation projects using transmission facilities owned or operated by a Federal Power Marketing Administration or the Tennessee Valley Authority that are authorized, approved, and financed independent of the project receiving the guarantee: Provided further, That none of the loan authority made available by this subsection shall be available for any project unless the President has certified in advance in writing that the loan and the project comply with the provisions under this section.

(b) Except as provided in subsection (c), the Secretary of Energy may provide grants and direct loans to eligible entities to construct new, or make upgrades to existing, eligible transmission lines or eligible interties, including the related facilities thereof, if the Secretary of Energy determines that such construction or upgrade would support—

(1) a more robust and resilient electric grid; and

(2) the integration of electricity from a clean energy facility into the electric grid.

(c) OTHER REQUIREMENTS.

(1) INTEREST RATES.—The Secretary of Energy shall determine the rate of interest to charge on direct loans provided under subsection (a), taking into consideration market yields on outstanding marketable obligations of the United States of comparable maturities as of the date the loan is disbursed.

(2) RECOVERY OF COSTS FOR GRANTS.—A grant provided under this section may not be used to cover the portion of costs for the construction of new, or upgrades to existing, eligible transmission lines or eligible interties, including the related facilities thereof, that are approved for recovery through a Transmission Organization, regional planning authority, governing or ratemaking body of an electric cooperative, State commission, or another similar body.

(3) NO DUPLICATE ASSISTANCE.—No eligible entity may receive both a grant and a direct loan for the same construction of, or upgrade to, an eligible transmission line or eligible intertie under this section.

(d) DEFINITIONS.—In this section:

(1) CLEAN ENERGY FACILITY.—The term “clean energy facility” means any electric generating unit that does not emit carbon dioxide.

(2) DIRECT LOAN.—The term “direct loan” means a disbursement of funds by the Government to a non-Federal borrower under a contract that authorizes the borrower to expend the funds with or without interest. The term includes the purchase of, or participation in, a loan made by another lender and financing arrangements that defray, in whole or in part, amounts paid by other lenders for the acquisition of financing, or for the purchase of, or participation in, a loan made by another lender in connection with the loan made by the Government.

(3) ELIGIBLE ENTITY.—The term “eligible entity” means a non-Federal entity.

(4) ELIGIBLE INTERTIE.—The term “eligible intertie” means—

(A) any intertie across the sea between the Western Interconnection and the Eastern Interconnection;

(B) the Pacific Northwest–Pacific Southwest Intertie;

(C) any intertie between the Electric Reliability Council of Texas and the Western Interconnection or the Eastern Interconnection; or

(D) such other interties that the Secretary determines contribute to—

(i) a more robust and resilient electric grid; and

(ii) the integration of electricity from a clean energy facility into the electric grid.

(5) ELIGIBLE TRANSMISSION LINE.—The term “eligible transmission line” means an electric power transmission line that—

(A) is capable of transmitting electricity—

(i) across any eligible intertie; or

(ii) from an offshore wind generating facility; or

(iii) along a route, or in a corridor, determined by the Secretary of Energy to be necessary to meet interregional or national electricity transmission needs.

(B) STATE COMMISSION; TRANSMISSION ORGANIZATION.—The terms “State commission” and “Transmission Organization” have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

SEC. 30452. GRANTS TO FACILITATE THE SITING OF ELIGIBLE ELECTRICITY TRANSMISSION LINES.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy, out of any money in the Treasury not otherwise appropriated, $800,000,000, to remain available until September 30, 2025, for making grants in accordance with the provisions under this section.

(b) USE OF FUNDS.—A grant provided under this section may only disburse grant funds for economic development activities under subsection (b)(2)—

(A) to a sitting authority upon approval by the sitting authority of the applicable covered transmission project; and

(B) to any other State, local, or Tribal government entity upon the achievement of construction of the applicable covered transmission project in the area under the jurisdiction of the entity.

(c) CONDITIONS.—

(1) IN GENERAL.—The Secretary may make a grant under this section to a sitting authority for, with respect to a covered transmission project, any of the following activities:

(A) Studies and analyses of the impacts of the covered transmission project.

(B) Examination of up to 3 alternate siting corridors within which the covered transmission project feasibly could be constructed.

(C) Hosting and facilitation of negotiations in settlement meetings involving the sitting authority, the covered transmission project applicant, and any opponents of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(D) Participation by the sitting authority in regulatory proceedings or negotiations in any other location or forum, including the siting authority or any of the covered transmission project, for the purpose of identifying and addressing issues that are preventing approval of the application relating to the siting or permitting of the covered transmission project.

(E) Participation by the sitting authority in regulatory proceedings at the Federal Energy Regulatory Commission or a State regulatory commission for determining applicable rates and cost allocation for the covered transmission project.

(F) Other measures and actions that may improve the chances of, and shorten the time required for, approval by the sitting authority of the application relating to the siting or permitting of the covered transmission project, as the Secretary determines appropriate.

(2) ECONOMIC DEVELOPMENT.—The Secretary may make a grant under this section to a sitting authority, or other State, local, or Tribal government entity, for economic development activities for communities that may be affected by the construction and operation of a covered transmission project, provided that the Secretary shall not enter into any grant agreement pursuant to this section that could result in any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2023, for purposes of carrying out a program to provide—

(A) technical assistance and grants to States to evaluate, participating in, expanding, or improving organized wholesale electricity markets; and

(B) grants to States to procure data or technology systems related to forming, participating in, expanding, or improving organized wholesale electricity markets.

(d) APPROPORATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2021, for purposes of carrying out a program to provide—

(A) technical assistance and grants to States to evaluate forming, participating in, expanding, or improving organized wholesale electricity markets; and

(B) grants to States to procure data or technology systems related to forming, participating in, expanding, or improving organized wholesale electricity markets.

SEC. 30453. ORGANIZED WHOLESALE ELECTRICITY MARKET TECHNICAL ASSISTANCE GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2021, for purposes of carrying out a program to provide—

(A) technical assistance and grants to States to evaluate forming, participating in, expanding, or improving organized wholesale electricity markets; and

(B) grants to States to procure data or technology systems related to forming, participating in, expanding, or improving organized wholesale electricity markets.

(2) CONDITIONS.—

(1) INDEPENDENT SYSTEM OPERATOR; REGIONAL TRANSMISSION ORGANIZATION.—The terms “Independent System Operator” and “Regional Transmission Organization” have the meanings given such terms in section 3 of the Federal Power Act (16 U.S.C. 796).

(2) ORGANIZED WHOLESALE ELECTRICITY MARKET.—The term “organized wholesale electricity market” means an Independent System Operator, or a Regional Transmission Organization.

(3) SECRETARY.—The term “Secretary” means the Secretary of Energy.
(1) pay expenses associated with convening relevant stakeholders, including States, generation and transmission developers, regional transmission organizations, independent system operators, other transmission organizations, electric utilities, and other stakeholders the Secretary determines appropriate, to address the development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; and 
(2) conduct planning, modeling, and analysis regarding interregional electricity transmission and transmission of electricity that is generated by offshore wind, taking into account the local, regional, and national economic, reliability, resilience, security, public policy, and environmental impacts of interregional electricity transmission and transmission of electricity that is generated by offshore wind, including planning, modeling, and analysis, as the Secretary determines appropriate, pertaining to—
(A) clean energy integration into the electric grid, including the identification of renewable energy zones;
(B) the effects of changes in weather due to climate change on the reliability and resilience of the electric grid;
(C) best allocation methodologies that facilitate the expansion of the bulk power system;
(D) the benefits of coordination between generator interconnection processes and transmission planning processes;
(E) the effect of increased electrification on the electric grid;
(F) power flow modeling;
(G) benefits of increased interconnections or interties between or among the Western Interconnection, the Eastern Interconnection, the Electric Reliability Council of Texas, and other interconnections as appropriate;
(H) the cooptimization of transmission and generation, including variable energy resources, energy storage, and demand-side management;
(I) for use of transmission alternatives, energy storage, and grid-enhancing technologies;
(J) economic development opportunities for communities arising from development of interregional electricity transmission and transmission of electricity that is generated by offshore wind; 
(K) evaluation of existing rights-of-way and the need for additional transmission corridors; and
(L) a planned national transmission grid, which would include a networked transmission system to optimize the existing grid for interconnection of offshore wind farms.

PART 6—ENVIRONMENTAL REVIEWS

SEC. 30461. DEPARTMENT OF ENERGY.

In addition to amounts otherwise available, there is appropriated to the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until September 30, 2026, for data collection, research, and analysis activities.

SEC. 30462. FEDERAL ENERGY REGULATORY COMMISSION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Federal Energy Regulatory Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until September 30, 2031, to provide for the development of more efficient, accurate, and timely reviews for plans and programs for—
(A) clean energy integration into the electric grid, including the identification of renewable energy zones;
(B) energy storage, and grid-enhancing technologies;
(C) equipment to utilize low- or zero-carbon fuels, feedstocks, and energy sources;
(D) the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 30463. ADVANCED INDUSTRIAL DEPLOYMENT PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2026, to carry out projects for—
(1) the purchase and installation, or implementation, of advanced industrial technology at an eligible facility;
(2) retrofits, upgrades, or operational improvements at an eligible facility to install or implement advanced industrial technology;
(3) engineering studies and other work needed to prepare an eligible facility for activities described in paragraphs (1) and (2).

(b) FEES AND CHARGES.—Section 3401(a) of the Omnibus Budget Reconciliation Act of 1986 (42 U.S.C. 7178(a)) shall not apply to the costs incurred by the Federal Energy Regulatory Commission in carrying out this section.

PART 7—INDUSTRIAL

SEC. 30471. ADVANCED INDUSTRIAL FACILITIES DEPLOYMENT PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until September 30, 2031, to provide for the development of more efficient, accurate, and timely reviews for plans and programs for—
(A) equipment to electrify industrial processes;
(B) equipment to utilize low- or zero-carbon fuels, feedstocks, and energy sources;
(C) equipment to utilize low- or zero-carbon fuels, feedstocks, and energy sources;
(D) the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2031, for oversight by the Department of Energy Office of Inspector General of the Department of Energy activities for which funding is appropriated in this subtitle.

SEC. 30472. ENERGY INFORMATION ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Administrator of the Energy Information Administration for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, for data collection, research, and analysis activities.
with respect to months occurring during plan years 2023, 2024, and 2025 for enrollees who are specified enrollees (as defined in subparagraph (C)) in a manner sufficient to increase the plan's share of the total allowed costs and benefits provided under the plan to 99 percent of such costs.

(B) METHODS FOR REDUCING COST SHARING.—

(1) IN GENERAL.—An issuer of a qualified health plan making reductions under this paragraph shall notify the Secretary of such reductions and the Secretary shall, out of funds made available under clause (ii), make periodic and timely payments to the issuer equal to 12 percent of the total allowed costs and benefits provided under each such plan to specified enrollees during each such plan year.

(ii) APPROPRIATION.—In addition to amounts otherwise available, there are appropriated, out of any moneys in the Treasury not otherwise appropriated for purposes described in this paragraph, such sums as may be necessary to the Secretary to make payments under clause (i).

(C) SPECIFIED ENROLLEE DEFINED.—For purposes of this section, the term ‘specified enrollee’ means, with respect to a plan year, an eligible insurant who is determined at any point to have a household income for such plan year that does not exceed 138 percent of the poverty line for a family of the size involved. Such insurant shall be deemed to be a specified enrollee for each month such insurant is a plan participant.

(D) OPEN ENROLLMENTS APPLICABLE TO CERTAIN LOWER-INCOME POPULATIONS.—Section 1311(c) of the Patient Protection and Affordable Care Act (42 U.S.C. 18041(c)) is amended—

(1) in paragraph (6)—

(A) in subparagraph (C), by striking at the end ‘and’;

(B) in subparagraph (D), by striking the period at the end and inserting ‘; and’;

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

(2) with respect to a qualified health plan with respect to which section 1402 applies, for months occurring during the period beginning on January 1, 2022, and ending on December 31, 2025, enrollment periods described in subparagraph (A) of paragraph (8) for individuals described in subparagraph (B) of such paragraph, and;

(2) by adding at the end the following new paragraph:

(8) SPECIAL ENROLLMENT PERIOD FOR CERTAIN POPULATIONS.—

(A) IN GENERAL.—The enrollment period described in this paragraph is, in the case of an individual who has a household income that does not exceed 138 percent of the poverty line for a family of the size involved, and who is eligible to receive cost-sharing reductions under section 1402; and

(B) by striking at the end the following new paragraph:

(5) ADDITIONAL BENEFITS FOR CERTAIN LOW-INCOME INDIVIDUALS FOR PLAN YEAR 2023 AND 2024.—

(1) IN GENERAL.—

(i) BENEFITS.—For purposes of paragraph (1)(D), the benefits described in this paragraph to be provided by a qualified health plan are benefits consisting of—

(ii) non-emergency medical transportation services (as described in section 1902(a)(4) of the Social Security Act) for which Federal payments would have been available under title XIX of the Social Security Act if such services had been furnished to an individual enrolled under a State plan (or waiver of such plan) under such title; and

(iii) services described in subsection (a)(4)(C) of section 1905 of such Act for which Federal payments would have been so available; which are not otherwise provided under such plan as part of the essential health benefits package described in section 1302(a).

(ii) CONDITION ON PROVISION OF BENEFITS.— Benefits described in this paragraph shall be provided:

(i) without any restriction on the choice of a qualified provider from whom an individual may receive such benefits;

(ii) without any imposition of cost sharing.

(B) PAYMENTS FOR ADDITIONAL BENEFITS.—

(i) for the issuer of a qualified health plan making payments for services described in subparagraph (A) furnished to individuals described in paragraph (1)(D) during plan year 2022 and not otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, $15,000,000 to remain available until expended, for purposes of carrying out this subsection, with respect to an Exchange established and operated by the Secretary within a State pursuant to section 1331, the Secretary shall not less than $10,000,000 out of amounts collected through the user fees on participating health insurance issuers pursuant to section 156.50 of title 45, Code of Federal Regulations (or any regulations promulgated thereunder), and not less than $20,000,000 for each of fiscal years 2023, 2024, and 2025. Such amount so obligated for a fiscal year shall remain available until expended.

(e) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as the ‘States’ or a ‘State’), to carry out this subsection, I:

(1) to provide reinsurance payments to health insurance issuers with respect to individuals enrolled under individual health insurance coverage for any fiscal year (other than through a plan described in subsection (b) offered by such issuers);

(2) to provide assistance (other than through payments described in paragraph (1)) to individuals who are members of families (including those that do not receive food stamps or other forms of Federal income assistance) and who would otherwise be eligible for the premium tax credit but would not have access to such coverage.

(2) by adding at the end the following new part:

PART 6—IMPROVE HEALTH INSURANCE AFFORDABILITY FUND

SEC. 1351. ESTABLISHMENT OF PROGRAM.

There is hereby established the ‘Improve Health Insurance Affordability Fund’ to be administered by the Secretary for the purposes of carrying out such program within the Agency for Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the ‘Administrator’), to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as a ‘State’) beginning on January 1, 2023, for the purposes described in section 1352.

SEC. 1352. USE OF FUNDS.

SEC. 1351. ESTABLISHMENT OF PROGRAM.

There is hereby established the ‘Improve Health Insurance Affordability Fund’ to be administered by the Secretary for the purposes of carrying out such program within the Agency for Health and Human Services, acting through the Administrator of the Centers for Medicare & Medicaid Services (in this section referred to as the ‘Administrator’), to provide funding, in accordance with this part, to the 50 States and the District of Columbia (each referred to in this section as a ‘State’) beginning on January 1, 2023, for the purposes described in section 1352.
(b) Specification.—The amount described in paragraph (3), with respect to a State described in paragraph (5) for 2023, 2024, or 2025, shall be used to carry out the purpose described in section 1353(b)(2)(A) for such year, as applicable, by providing reinsurance payments to health insurance issuers with respect to attachment range claims at the dollar amounts and percentage specified under subparagraph (B) for such year.

(2) AMOUNT DETERMINED.—The amount described in this paragraph, with respect to 2023, 2024, or 2025, is less than the percentage otherwise specified in section 1354(b)(2)(B) for such year, if the cost of such claims for States described in paragraph (5) for such year, at such percentage otherwise specified would exceed the amount calculated under paragraph (3) for such year at such percentage otherwise specified.

(3) AMOUNT DETERMINED.—Subject to subsection (b), to be eligible for the use of funds under this part for a year (beginning with 2023), a State shall submit to the Administrator an application at such time (but, in the case of allocations for 2023, April 9, 2023, within 120 days after the date of the enactment of this part and, in the case of allocations for a subsequent year, not later than January 1 of the previous year) and in such form and manner as specified by the Administrator containing—

(A) a description of the reason for such denial.

For purposes of the previous sentence and section 1354(b)(2)(B), the term ‘attachment range claims’ means claims for such individual that exceed a dollar amount specified by the Secretary for a year, as applicable, by providing reinsurance payments from funds made available under part 6 for such year, the ad

(C) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any money in the Treasury not otherwise appropriated, by providing reinsurance payments described in subparagraph (A) for each such plan and year, the monthly adjusted premium amount (as defined in subparagraph (A) for each such plan and year). For purposes of subparagraph (A), the term ‘adjusted premium amount’ means, with respect to a qualified health plan and a year, the monthly adjusted premium amount (as defined in subparagraph (A) for such plan and year). For purposes of subparagraph (A), the term ‘adjusted premium amount’ means, with respect to a qualified health plan and a year, the monthly standard available through the end of the subsequent year, if such State used such funds for the purpose described in paragraph (1), the amount determined under this paragraph for such State and year shall be expended without application of this part; exceeds

(b) Basic Health Program Funding Adjustments.—Section 1331 of the Patient Protection and Affordable Care Act (42 U.S.C. 18051) is amended by adding at the end the following new paragraph:

(b) Basic Health Program Funding Adjustments.—Section 1331 of the Patient Protection and Affordable Care Act (42 U.S.C. 18051) is amended by adding at the end the following new paragraph:

(c) Implementation.—The Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by such regulations as the Secretary determines to be necessary to carry out the purposes of this section.
SEC. 20604. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR INSULIN PRODUCTS.

(a) In General.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg-111 et seq.) is amended by adding at the end the following:

"SEC. 2790A–11. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

(1) IN GENERAL.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group or individual health insurance coverage shall provide coverage of selected insulin products, and with respect to such products—

"(i) apply any deductible; or

"(ii) impose any cost-sharing in excess of the lesser of—

"(I) $30 per 30-day supply; or

"(II) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

(b) Definitions.—In this section:

"(1) SELECTED INSULIN PRODUCTS.—The term 'selected insulin products' means at least one of each of the following types of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

"(A) rapid-acting, short-acting, intermediate-acting, long-acting, ultra-long-acting, and premixed insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

"(B) INSULIN DEFINED.—The term 'insulin' means insulin that is licensed under subsection (a) or (k) of section 351 and continues to be marketed pursuant to such licensure.

(2) INSULIN DEFINED.—The term 'insulin' means insulin (as defined below), when available, as selected by the group health plan or health insurance issuer.

(3) SELECTED INSULIN PRODUCTS—(a) IN GENERAL.—Part D of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–111(b) of the Public Health Service Act; and

"(ii) the requirements of section 2790A–11 of such Act shall be deemed by applying each reference in such section to 'individual health insurance coverage' to be a reference to a plan described in paragraph (1).".

SEC. 20605. COST-SHARING REDUCTIONS FOR INDIVIDUALS UNDER CATASTROPHIC PLANS.

Section 14602(f) of the Patient Protection and Affordable Care Act (42 U.S.C. 18071(f)) is amended—

(1) in the header, by striking "2021" and inserting "2021 and 2022";

(2) in the matter preceding paragraph (1), by striking "2021" and inserting "2021 through 2022"; and

(3) in paragraph (2), by striking "133 percent" and inserting "150 percent".

SEC. 20606. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) In General.—For plan years beginning on or after January 1, 2023, a group health plan or health insurance issuer offering group health insurance coverage or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan or issuer shall not enter into a contract with a pharmacy benefit manager, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information to plan sponsors or beneficiaries who pay the plan or issuer, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan or issuer, from making the reports described in subsection (b).

(c) OUT-OF-NETWORK PROVIDERS.—Nothing in this section requires a plan or issuer that has a network of providers to provide benefits for selected insulin products described in this section to the extent that such coverage is not otherwise required and such cost-sharing is otherwise permitted under Federal and applicable State law.

(e) APPLICATION OF COST-SHARING TOWARDS DEDUCTIBLES AND OUT-OF-POCKET MAXIMUMS.—Any cost-sharing payments made pursuant to this section shall be considered toward any deductible or out-of-pocket maximum that applies under the plan or coverage.

(b) EFFECT ON OTHER COST-SHARING.—Section 1402 of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(d)(2)) is amended by adding at the end the following new subparagraph:

"(e) RULE RELATING TO INSULIN COVERAGE.—The exemption of coverage of selected insulin products (as defined in section 2790A–11(b) of the Public Health Service Act) from the applicable deductible pursuant to subsection 2790A–11(b)(1) of such act, section 276a(a)(1) of the Employee Retirement Income Security Act of 1974, or section 362a(a)(1) of the Internal Revenue Code of 1986 shall not be considered when determining the actuarial value of a qualified health plan under this subsection.

(c) COVERAGE OF CERTAIN INSULIN PRODUCTS UNDER CATASTROPHIC PLANS.—Section 1302(e) of the Patient Protection and Affordable Care Act (42 U.S.C. 18022(e)) is amended by adding at the end the following:

"(4) COVERAGE OF CERTAIN INSULIN PRODUCTS.

(a) In General.—Notwithstanding paragraph (1)(B), a health plan described in paragraph (1) shall provide coverage of selected insulin products, in accordance with section 2790A–11 of the Public Health Service Act, for a plan year beginning on or after January 1, 2023, if such health plan has incurred cost-sharing expenses in an amount equal to the annual limitation in effect under subsection (c)(1) of section 2790A–11 of such Act, as amended.

(b) TERMINOLOGY.—For purposes of subparagraph (A)—

"(i) the term 'selected insulin products' means at least one of each of the following types of insulin (as defined below), when available, as selected by the group health plan or health insurance issuer;

"(a) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

"(b) the amount equal to 25 percent of the negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan or coverage, including price concessions received by or on behalf of third-party entities providing services to the plan or coverage, such as pharmacy benefit management services.

"(c) the amount equal to the annual limitation in effect under subsection (c)(1) of section 2790A–11 of such Act, as amended.

"the list of each drug covered by such plan, issuer, or entity providing pharmacy benefit management services that was dispensed during the reporting period, including, with respect to each such drug dispensed during the reporting period—

"(i) the brand name, chemical entity, and National Drug Code;

"(ii) the number of participants and beneficiaries for whom the drug was dispensed during the plan year, the total number of prescription fills for the drug (including original prescriptions and refills), the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy;

"(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose;

"(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and

"(v) any drug for which gross spending of the group health plan or health insurance coverage exceeded $10,000 during the reporting period.

"(i) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or other drugs from the same therapeutic category or class as such drug; and

"(II) the rationale for preferred formulary placement of such drug in that therapeutic category or class;

"(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan or health insurance coverage during the reporting period, and, with respect to each such therapeutic category or class of drugs, during the reporting period—

"(i) total gross spending by the plan, before manufacturer rebates, fees, or other manufacturer remuneration;

"(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class;

"(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class;

"(iv) the total out-of-pocket spending by participants and beneficiaries, including participants and beneficiary spending through copayments, coinsurance, and deductibles;

"(v) for each therapeutic category or class under which 3 or more drugs are included on the formulary of such plan or coverage, the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

"(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or

"(bb) that is related to utilization of drugs, in such therapeutic category or class;

"(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

"(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, observed by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, alternative discounts, or other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;

"(D) total gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer fees or remuneration;

"(E) total amount received, or expected to be received, from the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts, and all other remuneration

"(F) the amount of gross spending on prescription drugs by the plan or coverage during the reporting period, before rebates and other manufacturer fees or remuneration;".

"(ii) total gross spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

"(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, observed by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, alternative discounts, or other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;".

"(ii) the requirements of section 2790A–11 of such Act shall be deemed by applying each reference in such section to 'individual health insurance coverage' to be a reference to a plan described in paragraph (1).".

"(III) the total amount received, or expected to be received, from the health plan or health insurance coverage in drug manufacturer rebates, fees, alternative discounts, and all other remuneration

"(ii) total gross spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan or health insurance coverage on that category or class of drugs; and

"(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, observed by the health plan or health insurance coverage and its participants and beneficiaries, after manufacturer rebates, fees, alternative discounts, or other remuneration for drugs dispensed within such therapeutic category or class during the reporting period;".
received from the manufacturer or any third party, other than the plan sponsor, related to utilization of drug or drug spending under that health plan or health insurance coverage during the reporting period;

(2) the total amount spent on prescription drugs by the health plan or health insurance coverage during the reporting period; and

(3) the identity of the pharmacy benefit management services, the pharmacy benefit manager, or the pharmacy benefit manager's business to the pharmacy benefit manager.

(2) PRIVACY REQUIREMENTS.—Health insurance issuers offering group health insurance coverage and entities providing pharmacy benefit management services on behalf of a group health plan shall provide information under paragraph (1) only to an official or representative consistent with the privacy, security, and breach notification regulations promulgated under subsection (2) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations.

(3) DISCLOSURE AND REDISCLOSURE.—(A) BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (1) may disclose such information only to business associates of such plan as defined in paragraph (1) of title 45, Code of Federal Regulations (or successor regulations).

(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section precludes disclosure of information describing group health insurance coverage or an entity providing pharmacy benefits management services on behalf of a group health plan from placing restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such issuer or entity may redisclose such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury.

(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct participants in the drug supply chain, in order to prevent anti-competitive behavior.

(4) REPORT TO GAO.—A health insurance issuer offering health insurance coverage or an entity providing pharmacy benefit management services on behalf of a group health plan shall submit to the Comptroller General of the United States, within the first 4 months following the end of the most recent fiscal year of such issuer, a report required under paragraph (2) with respect to each such coverage or plan, and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines necessary.

(5) RELEVANT TERMINOLOGY.—In this section—

(B) in subsection (b)—

(i) in paragraph (1), by inserting ‘‘(other than subsections (a) and (b) of section 279A–12)’’ after ‘‘part D’’; and

(ii) in paragraph (2), by inserting ‘‘(other than subsections (a) and (b) of section 279A–12)’’ after ‘‘part D’’.

(C) in subsection (c)—

(i) in paragraph (1), by inserting ‘‘(other than subsections (a) and (b) of section 279A–12)’’ after ‘‘part D’’; and

(ii) in paragraph (2), by inserting ‘‘(other than subsections (a) and (b) of section 279A–12)’’ after ‘‘part D’’.

(6) DEFINITION.—In this section, the term ‘‘wholesale acquisition cost’’ has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act.

(7) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period for compliance with a requirement of this section, if the Secretary determines that the Comptroller General determines such waiver is necessary to avoid a substantial hardship to plan sponsors, health insurance issuers, or entities providing pharmacy benefit management services or pharmacy benefit administrative services under group health plan or group or individual health insurance coverage.

(8) ENFORCEMENT.—

(A) IN GENERAL.—The Secretary shall enforce, and if necessary, levy a civil money penalty or proceed under section 1128A of the Social Security Act, other than subsection (a) by such issuer, plan, or entity.

(B) WAIVERS.—The Secretary may waive penalties under section 1128A of the Social Security Act, if the Secretary determines that the waiver is necessary to avoid a substantial hardship to plan sponsors, health insurance issuers, or entities providing pharmacy benefit management services or pharmacy benefit administrative services under group health plan or group or individual health insurance coverage.

(C) DEFINITIONS.—In this section, the terms ‘‘group health plan’’, ‘‘health insurance coverage’’, and ‘‘health insurance issuer’’ have the meaning given such terms in section 1847A(c)(6)(B) of the Social Security Act.

(9) CLOSURE OF INFORMATION.—Nothing in this section shall be construed to permit a health insurance issuer, group health plan, or other entity to restrict disclosure to, or otherwise limit the access of the, Department of Health and Human Services to a report described in subsection (b)(1) or information related to compliance with subsection (a) by a specific plan or entity providing pharmacy benefit management services or pharmacy benefit administrative services.

(2) REQUIREMENT.—The Comptroller General of the United States shall ensure that the report under paragraph (1) does not contain information that would allow a specific plan or entity providing pharmacy benefit management services or pharmacy benefit administrative services.
that provides for Federal financial participation with respect to expenditures for payments to providers for otherwise uncompensated care that is furnished to low-income individuals, uninsured individuals, and individuals otherwise eligible for public assistance, notwithstanding any waiver authority available under such section, such project shall exclude from Federal financial participation any expenditures for care that is furnished with respect to such fiscal year to individuals described in section 1902(a)(10)(A)(i)(VIII).”.

(b) ADJUSTMENTS TO DISPROPORTIONATE SHARING ALLOTMENTS.—

(1) IN GENERAL.—Section 1923(f)(1) of the Social Security Act (42 U.S.C. 1396d(f)(1)) is amended—

(A) by striking paragraph (a), by striking “paragraphs (6), (7), and (8)” and inserting “paragraphs (6), (7), and (10)”;

(B) in paragraph (6)(A)(vi), by striking “(except paragraph (10))” before “the Secretary” and (C) in paragraph (7)(A)(ii), by inserting “without regard to paragraph (10),” before “the Secretary”.

(2) Technical Amendment.—Section 1923(f)(1)(B)(viii) of the Social Security Act (42 U.S.C. 1396d(f)(1)(B)(viii)) is amended by inserting “paragraph (3)” after “paragraph (2)”.

(3) LIMITATION ON USE OF FUNDS.—None of the funds awarded to a State under this section may be used by a State as the source of the non-Federal share of expenditures under the State plan (or waiver of such plan).

(h) HCBS IMPROVEMENT PLAN REQUIREMENTS.—In order to be eligible for the requirements of this subsection, an HCBS improvement plan developed using funds awarded to a State under this section shall include, with respect to the State and subject to subsection (d), the following:

(1) EXISTING MEDICAID HCBS LANDSCAPE.—

(A) ELIGIBILITY AND BENEFITS.—A description of the existing standards, pathways, and methodologies for eligibility for home and community-based services pursuant to the State plan (or waiver of such plan) for all assets and income, the home and community-based services available under the State Medicaid program and the types of settings in which they may be provided, and utilization management standards for such services.

(B) ACCESS.—

(ii) Barriers.—A description of the barriers to accessing home and community-based services in the State identified by Medicaid eligible individuals, the families of such individuals, and direct care workers and home care agencies, or other similar organizations.

(2) TECHNICAL ASSISTANCE FOR NEWLY ELIGIBLE MANDATORY INDIVIDUALS.—

Section 1937(b)(2) of the Social Security Act (42 U.S.C. 1396d(y)(2)) is amended—

(1) in subparagraph (D), by striking at the end “and”;

(ii) A description of the barriers to accessing home and community-based services in the State identified by Medicaid eligible individuals, the families of such individuals, and direct care workers and home care agencies, or other similar organizations.

(2) USE OF FUNDS.—Subject to paragraph (3), the Secretary shall use the grant to carry out planning activities for purposes of developing and submitting to the Secretary an HCBS improvement plan for the State that meets the requirements of section 1937(b)(2), and the Secretary may use planning grant funds to support activities related to the implementation of the HCBS improvement plan for the State, collect and report information described in subsection (c), identify areas for improvement to the service delivery systems for home and community-based services, carry out outreach related to rate setting processes and data in a manner that maximizes the utilization of the number of individuals enrolled in the State Medicaid program in a year who receive...
items and services furnished by an institution for greater than 30 days in an institutional setting.

(I) HCBS SHARE OF OVERALL MEDICAID LTSS SPENDING.—In recent State fiscal years for which complete data is available, the percentage of expenditures made by the State under the State Medicaid program for long-term services and supports that are for home and community-based services.

(J) DEMOGRAPHIC DATA.—To the extent available and as applicable with respect to the information required under subparagraphs (B), (C), and (H), demographic data for such information, disaggregated by age groups, primary disability, income brackets, gender, race, ethnicity, geography, primary language, and type of service setting.

(2) GOALS FOR HCBS IMPROVEMENTS.—A description shall do the following:

(A) Conduct the activities required under subsection (j) of section 1905 of the Social Security Act (as added under section 30712).

(B) Reduce barriers to and disparities in access or utilization of home and community-based services in the State.

(C) Monitor and report on access to home and community-based services under the State Medicaid program, disparities in access to such services, and the utilization of such services.

(D) Monitor and report the amount of State Medicaid expenditures for home and community-based services under the State Medicaid program as a proportion of the total amount of State expenditures under the State Medicaid program for such services.

(E) Monitor and report on wages, benefits, and vacancy and turnover rates for direct care workers.

(F) Assess and monitor the sufficiency of payment rates under the State Medicaid program, in a manner specified by the Secretary, for the specific types of direct care workers, home and community-based services available under such program for purposes of supporting direct care worker recruitment and retention and ensuring the availability of home and community-based services.

(G) Coordinate implementation of the HCBS improvement plan among the State Medicaid agency and State health and human services agencies serving individuals with disabilities and the elderly.

(D) DEVELOPMENT AND APPROVAL REQUIREMENTS.

(1) DEVELOPMENT REQUIREMENTS.—In order to meet the requirements of this subsection, a State awarded a planning grant under this section shall develop an HCBS improvement plan for the State that is the result of a process that includes consultation with Medicaid eligible individuals who are recipients of home and community-based services, family caregivers of such recipients, providers, health plans, direct care workers, chosen representatives of direct care workers, and aging, disability, and workforce advocates.

(2) AUTHORITY TO ADJUST CERTAIN PLAN CONTENT REQUIREMENTS.—The Secretary may modify the requirements for any of the information specified in subsection (D) if a State requests a modification and demonstrates to the satisfaction of the Secretary that it is impracticable for the State to collect and submit the information.

(3) SUBMISSION AND APPROVAL.—Not later than 24 months after the date on which a State is awarded a planning grant under this section, the State shall submit an HCBS improvement plan for approval by the Secretary to the Secretary, along with the State documentation that the State has developed in accordance with the requirements described in paragraphs (2) and (4), and not withstanding subsection (b) or (f), subject to subparagraph (B), with respect to amounts expended during the quarter by such State for medical assistance for home and community-based services, the Federal medical assistance percentage determined for the State under subsection (b) and, if applicable, increased under subsection (y), (z), (aa), or (bb), section 1903(a)(19) of such Act (42 U.S.C. 1396r(a)(19)), section 1915(y) of such Act (42 U.S.C. 1396n-3), and section 1915(z) of such Act (42 U.S.C. 1396n-4), shall be increased by 6 percentage points; and

(4) WITH RESPECT TO THE STATE MEETING THE REQUIREMENTS DESCRIBED IN PARAGRAPHS (2) AND (4) AND WITH RESPECT TO AMOUNTS EXPENDED DURING THE QUARTER AND BEFORE OCTOBER 1, 2021, FOR ADMINISTRATIVE COSTS FOR EXPANDING AND ENHANCING HOME AND COMMUNITY-BASED SERVICES, INCLUDING FOR ENHANCING MEDICAID DATA AND TECHNOLOGY INFRASTRUCTURE, MODIFYING RATE SETTING PROCESSES, ADOPTING OR IMPROVING TRAINING PROGRAMS FOR DIRECT CARE WORKERS AND THE FAMILY AND COMMUNITY-BASED SERVICES OMBUDSMAN OFFICE ACTIVITIES (AS REMUNERABLE UNDER SECTION 1903(a)(7)), DEVELOPING PROCESSES TO IDENTIFY DIRECT CARE WORKERS AND ASSIGN SUCH WORKERS UNIQUE IDENTIFIERS (AS REMUNERABLE), AND ADOPTING, CARRYING OUT, OR ENHANCING PROGRAMS THAT REGISTER DIRECT CARE WORKERS AND PROVIDE SUCH WORKERS WITH ACCESS TO DIRECT CARE WORKERS, THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DETERMINED FOR A STATE BEING MORE THAN 95 PERCENT WITH RESPECT TO SUCH EXPENDITURES. IN NO CASE SHALL THE APPLICATION OF CLAUSE (i) RESULT IN THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE DETERMINED FOR A STATE BEING MORE THAN 95 PERCENT WITH RESPECT TO SUCH EXPENDITURES.

The Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures. In no case shall the application of clause (i) result in the Federal medical assistance percentage determined for a State being more than 95 percent with respect to such expenditures.
to a State before the State meets the requirements of paragraphs (2) and (4).

``(B) ADDITIONAL HCBS IMPROVEMENT EF-
forts.—Subject to paragraph (5), in addition to the information and medical assistance percentage under subparagraph (A)(i) for amounts expended during a quarter for medical assistance for home and community-based serv-
ices by an HCBS program improvement State, a State shall establish an improvement plan that meets the requirements of paragraphs (2) and (4) for the quarter, the Federal medical assistance percentage for amounts expended by the State during the quarter for medical assist-
ance for home and community-based services shall be increased by 2 percentage points (but not to exceed 85 percent) during the first 6 fiscal quarters of implementation. Such an improvement plan shall in effect a program that meets the requirements of paragraph (3).

``(C) OF TERRITORIAL FUNDING CAPS.—Any payment made to Puerto Rico, the Virgin Islands, Guam, the Northern Mar-
iana Islands, or American Samoa for expendi-
tures that are subject to an increase in the Fed-
eral medical assistance percentage under sub-
paragraph (A)(i) or (B), or an increase in an ap-
licable Federal matching percentage under subparagraph (A)(ii), shall not be taken into ac-
count for purposes of applying payment limits sub-
sections (f) and (g) of section 1102.

``(D) NONAPPLICATION TO CHIP EFMAP.—Any increase in the Federal medical assistance percentage under HCPPA (other than those subject to such increase) shall not be taken into account in calculating the en-
hanced Federal medical assistance percentage.

``(2) REQUIREMENTS.—Subject to the last sen-
tence of paragraph (1)(A), as conditions for re-
cipe of the increase under paragraph (1) to the Federal medical assistance percentage, the State shall have in effect a program that results in—

``(a) A multi-organization entity that is responsible for the coordination of service delivery to persons described in subparagraph (C) and (D) of paragraph (1) by a single organization that is accountable for the quality and cost of services provided to those persons and is responsible for meeting the requirements of paragraphs (3) and (4) of section 1102(a), (b), and (c), and for monitoring the performance of the program described in paragraph (3);

``(b) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(c) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(d) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(e) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(f) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(g) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(h) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(i) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(j) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(k) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(l) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(m) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(n) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(o) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(p) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(q) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(r) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(s) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(t) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(u) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(v) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(w) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(x) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(y) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(z) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(aa) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(bb) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(cc) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(dd) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(ee) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(ff) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(gg) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(hh) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(ii) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(jj) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(kk) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(ll) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(mm) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(nn) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(oo) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(pp) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(qq) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(rr) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(ss) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(tt) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(uu) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(vv) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(ww) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(xx) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(yy) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(zz) A program that includes performance measures that are designed to be used to evaluate the performance of the program described in paragraph (3);

``(A) The State designates (by a date specified by the Secretary) an HCBS ombudsman office (or a long-term care ombudsman program office) that—

``(i) Operates independently from the State Medicaid agency and health plans;

``(ii) Provides direct assistance to recipients of home and community-based services available under the State Medicaid program and their families;

``(iii) Identifies and reports systemic problems to State officials, the public, and the Secretary;

``(B) Beginning with the last day of the first fiscal quarter for which the State is an HCBS program improvement State, annually thereafter, the State reports to the Secretary, in a manner the Secretary shall prescribe, on the terms of the implementation of the activities described in subparagraphs (C) and (D) of paragraph (2), paragraph (3) (if applicable), the use of enhanced Federal funding provided under this subsection, and progress with respect to home and community-based services availability, utilization, disparities in access and use consistent with HCPPA, and the status of the direct care workforce.

``(5) BENCHMARKS FOR DEMONSTRATING IMPROVEMENT.—An HCBS program improvement State shall cease to be eligible for an increase in the Federal medical assistance percentage under paragraphs (1)(A)(i) or (1)(B) or an increase in
an applicable Federal matching percentage under paragraph (1)(A)(ii) on or after the first date on which a State is an HCBS program improvement State if the State is found to be out of compliance with any of the requirements in subsection and unless, at the end of the 29th fiscal quarter, the State demonstrates the following in the annual report required in paragraph (4) for such quarter:

(A) Increased availability (above a marginal increase) of home and community-based services in the State relative to such availability as reported in the State HCBS improvement plan and adjusted for demographic changes in the State since the submission of such plan.

(B) With respect to the percentage of expenditures for long-term care services and supports that are for home and community-based services, in the case of an HCBS program improvement State for which such percentage (as reported in the State HCBS improvement plan) was—

(i) less than 50 percent, the State demonstrates that the percentage of such expenditures has increased to at least 50 percent since the plan was approved; and

(ii) at least 50 percent, the State demonstrates that such percentage has not decreased since it was approved.

(6) DEFINITIONS.—In this subsection, the terms ‘State Medicaid plan’, ‘direct care workers’, ‘HCBS program improvement State’, ‘health plan’, ‘home and community-based services’, and ‘the home and community-based services’ have the meaning given those terms in section 30711(e) of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’.

SEC. 30713. FUNDING FOR FEDERAL ACTIVITIES RELATED TO MEDICAID HCBS.

In addition to amounts otherwise available, there are appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until expended, to carry out section 30712 (including the amendments made by such section), including by issuing necessary guidance and technical assistance to States, conducting program integrity and oversight efforts, and preparing and submitting to the Committee on Energy and Commerce of the House of Representatives and the Committee on Finance of the Senate, beginning 5 years after the date of the enactment and every year thereafter, a report describing the progress of the HCBS planning and improvement activities undertaken by States as applicable and as described in section 30712 (including the amendments made by such section), and describing the impact of such activities on access to care, including with respect to disparities in access and utilization, and the direct care workforce.

SEC. 30714. FUNDING FOR HCBS QUALITY MEASUREMENT AND IMPROVEMENT.

(a) INCREASED FEDERAL MATCHING RATE FOR ADOPTION AND REPORTING OF HCBS QUALITY MEASURES.—

(I) IN GENERAL.—Section 1901(a)(3)(G) of the Social Security Act (42 U.S.C. 1396a(a)(3)(G)) is amended—

(A) in subparagraph (F)(ii), by striking “plus” after the semicolon and inserting “and”; and

(B) by inserting after subparagraph (F), the following:

(G) 80 percent of so much of the sums expended during such quarter as are attributable to the reporting of information regarding the quality of home and community-based services in accordance with sections 1128A(a)(4)(B)(ii) and 1129(h)(3)(C); and

(2) EXEMPTION FROM TERRITORIES’ PAYMENT LIMITS.—Section 1108(g)(4) of the Social Security Act is amended by adding at the end the following new subparagraph:

“C ADDITIONAL EXCLUSION RELATING TO HCBS QUALITY REPORTING.—Payments under section 1903(a)(3)(G) shall not be taken into account in applying payment limits under subsections (f) and (g) of this subsection.”.

(b) HCBS QUALITY MEASURES FOR INCREASED RATE.—Subsection (b) of section 1129X of the Social Security Act (42 U.S.C. 1320c–3 through 1320c–3–1) is amended—

(I) in section 1129A—

(A) in subsection (a)(4)(A)—

(i) by striking “with the annual State report on fiscal year 2024” and inserting the following:

“(I) IN GENERAL.—Subject to clause (ii), beginning with the annual State report on fiscal year 2024; and

(ii) by adding at the end the following new clause:

“(II) REPORTING HCBS QUALITY MEASURES.—With respect to reporting on information regarding the quality of home and community-based services described under title XIX or title XXI, beginning with the annual State report required under subsection (c)(1) for the first fiscal year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based services quality measures developed under subsection (b)(5)(B) the Secretary shall require States to report such measures in a standardized format for reporting information and procedures developed under subparagraph (A) and using all such home and community-based quality measures developed under subsection (b)(3) (including any updates or changes to such measures);”;

and

(B) in subsection (b)(6)—

(i) by inserting “Beginning no later than January 1, 2023” and inserting the following:

“(A) IN GENERAL.—Beginning no later than January 1, 2013; and

(ii) by adding at the end the following new subparagraph:

“(B) HCBS QUALITY MEASURES.—Beginning with the first year that begins after the date of enactment of this subparagraph or (in the case of measures that require development and testing prior to availability, not later than 4 years after the date of enactment of this subparagraph), the requirements of subparagraph (A) shall apply, and the core measures described in subsection (a) (and any updates or changes to such measures) shall include home and community-based services quality measures developed by the Secretary. The Secretary shall ensure that such measures reflect the full range of home and community-based services, and consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services) and ensure such measures reflect the full array of home and community-based services and recipients of such services.

(II) DEFINITION.—For purposes of this section and section 1139A, the term ‘home and community-based services’ has the meaning given such term in such section or in section 1915 of title II of S. Con. Res. 14.”.

(c) MANDATORY REPORTING WITH RESPECT TO MEDICAID HCBS.—Beginning with the annual report required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date that the Secretary publishes the home and community-based services quality measures developed under paragraph (5)(D), the Secretary shall require States to report information, using the standardized format for reporting information and procedures developed under subparagraph (A), regarding the quality of home and community-based services for Medicaid eligible adults using all of the home and community-based services quality measures included in the core set of adult health quality measures under paragraph (5)(D), and any updates or changes to such measures; and

(d) HCBS QUALITY MEASURES.—

(I) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $22,000,000, for carrying out this subparagraph.

(II) INCLUSION OF HCBS QUALITY MEASURES.—Beginning with respect to State reports required under subsection (d)(1) for the first year that begins on or after the date that is 2 years after the date of the enactment of this subsection, the core set of adult health quality measures maintained under this paragraph (and any updates or changes to such measures) shall include home and community-based services quality measures developed in accordance with this subparagraph.

(III) REQUIREMENTS.—

(I) IN GENERAL.—In developing, reviewing and approving the home and community-based services quality measures included in the core set of adult health quality measures maintained under this paragraph, the Secretary shall consult with nongovernmental stakeholders with expertise in home and community-based services (including recipients and providers of such services) and ensure such measures reflect the full array of home and community-based services and recipients of such services.

(II) DEFINITION.—For purposes of this section and section 1139A, the term ‘home and community-based services’ has the meaning given such term in such section or in section 1915 of title II of S. Con. Res. 14.”.

SEC. 30715. PERMANENT EXTENSION OF MEDICAID PROTECTIONS AGAINST SPECIFIC IMPOVERISHMENT FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.

(a) IN GENERAL.—Section 1924(h)(1)(A) of the Social Security Act (42 U.S.C. 1396r–5(h)(1)(A)) is amended by striking “(at the option of the State) is described in section 1902(a)(10)(A)(ii)(VI) and inserting the following:

“is eligible for reimbursement under subsections (c), (d), or (i) of section 1915 or under a waiver approved under section 1115, or who is eligible for such reimbursement by reason of being determined eligible under section 1902(a)(10)(C) or by reason of section 1902(f) otherwise on the basis of a reduction of income based on costs incurred for medical or other remedial care, or who is eligible for medical assistance for home and community-based attendant services and supports under section 1914(k)”.

(b) EXPANDING AMENDMENT.—Section 1129(h)(4) of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note) is amended by striking “September 30, 2023” and inserting “the date of the enactment of this Act”.

(c) RETAINING PROVISION RELATING TO PREVIOUS LIMITS ON IMPOVERISHMENT FOR RECIPIENTS OF HOME AND COMMUNITY-BASED SERVICES.—Section 1982(b) of the Social Security Act (42 U.S.C. 1396r–5(b)) is amended by striking “this Act” and inserting “this Act”.

(d) TITLE.—Subtitle G of title XXI of the Social Security Act (42 U.S.C. 1396q–3) is redesignated as title XXII of such Act.

(e) TECHNICAL MODIFICATIONS.—Section 1129(h)(4) of the Patient Protection and Affordable Care Act (42 U.S.C. 1396r–5 note) is amended by striking “February 17, 2010” and inserting “the date of the enactment of this Act”.

(f) implementing measures for reconciling pursuant to title II of S. Con. Res. 14.”.

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CONGRESSIONAL RECORD — HOUSE

November 18, 2021
SEC. 30716. PERMANENT EXTENSION OF MONEY FOLLOWS THE PERSON REBALANCING DEMONSTRATION.

(a) In General.—Subsection (b) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended—

(1) in paragraph (1)—

(A) in subparagraph (I), by inserting “and” and “whether”—

(II) after the semicolon;

(B) by amending subparagraph (J) to read as follows—

“(J) $450,000,000 for each fiscal year after fiscal year 2022;”;

(C) by striking subparagraph (K);

(D) in paragraph (2), by striking “September 30, 2022,” and inserting “September 30 of the subsequent fiscal year”; and

(E) by adding at the end the following new paragraph:

“(3) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022 and for each subsequent 3-year period, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out subsections (f), (g), and (i).”;

(b) REDISTRIBUTION OF UNEXPENDED GRANT AWARDS.—Subsection (e)(2) of section 6071 of the Deficit Reduction Act of 2005 (42 U.S.C. 1396a note) is amended by adding at the end the following new sentence: “Any portion of a State grant awarded for a fiscal year, which is unexpended by the Secretary at the end of the following fiscal year, shall be rescinded by the Secretary and added to the appropriation for the fiscal year following.”;

SEC. 30717. FUNDING TO IMPROVE THE ACCURACY AND RELIABILITY OF CERTAIN SKILLED NURSING FACILITY DATA.

Section 1881 of the Social Security Act (42 U.S.C. 1395yy) is amended—

(1) in subsection (h)(12)—

(A) in subparagraph (I), by striking “and” and “whether”—

(II) after the semicolon;

(B) by amending subparagraph (J) to read as follows—

“(J) $450,000,000 for each fiscal year after fiscal year 2022;”;

(C) by striking subparagraph (K);

(D) in paragraph (2), by striking “September 30, 2022,” and inserting “September 30 of the subsequent fiscal year”; and

(E) by adding at the end the following new paragraph:

“(3) TECHNICAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022 and for each subsequent 3-year period, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out subsections (f), (g), and (i).”;

SEC. 30718. ENSURING ACCURATE INFORMATION ON COST REPORTS.

Section 1395yy of the Social Security Act (42 U.S.C. 1395yy) is amended by adding at the end the following new paragraph:

“(5) AUDIT OF COST REPORTS.—There is available appropriation, for purposes of conducting an annual audit (beginning with fiscal year 2022 and ending with fiscal year 2023) of cost reports submitted under this title for a representative sample of skilled nursing facilities.”;

SEC. 30719. SURVEY IMPROVEMENTS.

Section 1819 of the Social Security Act (42 U.S.C. 1396a) is amended by adding at the end the following new subsection:

“(l) SURVEY IMPROVEMENTS.—

(1) IN GENERAL.—There is appropriated to the Secretary, out of any monies in the Treasury not otherwise appropriated, $250,000,000 for fiscal year 2022, to remain available through fiscal year 2031, for purposes of conducting an annual audit (beginning with fiscal year 2022 and ending with fiscal year 2023) of cost reports submitted under this title for a representative sample of skilled nursing facilities.

(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 accuracy of the identification and appropriateness of the scope and severity of deficiencies cited at facilities.

(D) The accuracy of the identification and appropriateness of the scoring and severity of life safety, infection control, and emergency preparedness deficiencies at facilities.

(E) The timeliness of State agency investigations of—

(i) complaints at facilities;

(ii) facility-reported incidents at facilities; and

(iii) 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) 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 subsection (a), conduct a study and submit to Congress a report on the effectiveness of establishing minimum staffing in skilled nursing facilities. Each such report shall include—

(1) with respect to the first such report, recommendations regarding appropriate minimum staffing ratios of registered nurses (and, if practicable, licensed practical nurses and licensed vocational nurses) and certified nursing assistants to residents at such skilled nursing facilities; and

(2) with respect to each subsequent such report, recommendations regarding appropriate minimum staffing ratios of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at such skilled nursing facilities.

(4) PROMULGATION OF REGULATIONS.—

(1) IN GENERAL.—Not later than 1 year after the Secretary first submits a report under paragraph (3), the Secretary shall promulgate regulations under paragraph (a) to require such skilled nursing facilities to comply with such ratios.

(2) EXCEPTION.—

(B) IN GENERAL.—In addition to the authority to promulgate the application of clause (1) to such skilled nursing facility (the Secretary finds that—

(1) 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;

(2) 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

(3) 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.

(2) DUAL CONTRACTORS.—Any waiver in effect under this clause shall be subject to annual renewal.

(3) UPDATE.—Not later than 1 year 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 (1) to reflect appropriate minimum staffing ratios (if any) of registered nurses, licensed practical nurses, and certified nursing assistants to residents at skilled nursing facilities.”;

SEC. 30720. NURSE STAFFING REQUIREMENTS.

Section 1819(d) of the Social Security Act (42 U.S.C. 1396d–30) is amended—

(1) in paragraph (4)(A), by inserting “and any regulations promulgated under paragraph (5)(C)” after “section 1124”;

(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, $5,000,000 for each fiscal year, to remain available through fiscal year 2021, 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 effectiveness of establishing minimum staffing at resident ratios for nursing staff for skilled nursing facilities. Each such report shall include—

(1) with respect to the first such report, recommendations regarding appropriate minimum staffing ratios of registered nurses (and, if practicable, licensed practical nurses and licensed vocational nurses) and certified nursing assistants to residents at such skilled nursing facilities; and

(2) with respect to each subsequent such report, recommendations regarding appropriate minimum staffing ratios of registered nurses, licensed practical nurses (or licensed vocational nurses), and certified nursing assistants to residents at such skilled nursing facilities.

(2) PROHIBITIONS.—

(1) IN GENERAL.—Not later than 1 year after the Secretary first submits a report under subparagraph (1), the Secretary shall—

(1) 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

(2) except as provided in clause (1), require such skilled nursing facilities to comply with such ratios.

(3) EXCEPTION.—

(B) IN GENERAL.—In addition to the authority to promulgate the application of clause (1)(II) under this subchapter, the Secretary may waive the application of such clause with respect to a skilled nursing facility if the Secretary finds that—

(1) 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;

(2) 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

(3) 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.

(2) DUAL CONTRACTORS.—Any waiver in effect under this clause shall be subject to annual renewal.

(iii) UPDATE.—Not later than 1 year 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 (1)(I) to reflect appropriate minimum staffing ratios (if any) of registered nurses, licensed practical nurses, and certified nursing assistants to residents at skilled nursing facilities.”.
PART 2—EXPANDING ACCESS TO MATERNAL HEALTH

SEC. 30721. EXTENDING CONTINUOUS COVERAGE FOR PREGNANT AND POSTPARTUM INDIVIDUALS FOR 12-MONTH PERIOD POST PREGNANCY.

(a) MEDICAID.—

(i) REQUIRING FULL BENEFITS FOR PREGNANT AND POSTPARTUM INDIVIDUALS FOR 12-MONTH PERIOD POST PREGNANCY.—

(A) IN GENERAL.—Paragraph (5) of section 1902(e) of the Social Security Act (42 U.S.C. 1396a(e)) is amended—

(1) by striking “(5) A woman who” and inserting “(5) A woman who”;

(ii) in section 1905(a), in the fourth sentence in the matter following paragraph (31), by striking “60-day period” and inserting “12-month period”;

(iii) in section 1905(a)(10)(A)(ii), by striking the term “newly eligible” in the subparagraph (A)(i) and the term “12-month period” in the subparagraph (A)(ii) and inserting “newly eligible” in the subparagraph (A)(i) and the term “12-month period” in the subparagraph (A)(ii); and

(iv) in section 1905(g), by adding at the end the following new paragraph:

“(D) By any fiscal year quarter beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’ with respect to which subparagraph (B) does not apply, an individual who, while pregnant, is eligible for and received medical assistance under the State plan or a waiver of such plan (regardless of the basis for the individual’s eligibility for medical assistance and including during a period of retroactive eligibility under section 1906(c)(4)) shall remain eligible, notwithstanding section 1906(c)(4), until the end of the 12-month period for medical assistance through the end of the month in which the 12-month period (beginning on the last day of the month in which the 12-month period begins) ends.”

(B) CONFORMING AMENDMENTS.—Title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-12) is amended—

(i) in section 1902(a)(10), in the matter following subparagraph (A)(ii), by striking “(VII) the medical assistance” and all that follows through “end”;

(ii) in section 1902(a)(6), by striking “in the case of” and inserting “For any fiscal year quarter with respect to which paragraph (5)(B) does not apply, in the case of”;

(iii) in section 1902(a)(11), by striking “60-day period” and inserting “12-month period (or, for any fiscal year quarter with respect to which subsection (e)(5)(B) does not apply and for which the State has not adopted the option under section 1902(e)(15)(A), 60-day period)”;

(iv) in section 1903(v)(4)—

(I) in subparagraph (A)(i), by striking “(60-day period)” and inserting “the applicable period (as described in subparagraph (D))”;

(II) in subparagraph (A)(ii), by striking the period and inserting “, and, in the case of such an individual who is or becomes pregnant, such individual (regardless of age) during pregnancy and during the applicable period (as described in subparagraph (D))”;

(v) in subparagraph (B), by striking “60-day period” and inserting “12-month period”;

(B) CONFORMING AMENDMENTS.—Section 9812(b) of the American Rescue Plan Act of 2021 (Public Law 117–2) is amended by striking “determines” and inserting “determines”;

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-12) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by section 1902(e)(15)(A), 12-month period, and

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State that has a 2-year period and

(ii) in subparagraph (C), by striking “60-day period” and inserting “12-month period (or, for any fiscal year quarter with respect to which paragraph 1902(e)(15)(A) does not apply, for which the State has not adopted the option under section 1902(e)(15)(A), 60-day period)”;

(3) TRANSITION FROM STATE PLAN OPTION.—

(A) IN GENERAL.—Section 1902(e)(16)(A) of the Social Security Act (42 U.S.C. 1396a(e)(16)(A)) is amended—

(i) in section 1902(a)(10), in the matter following paragraph (31), by striking “cooling-off period” and inserting “12-month period (or, for any fiscal year quarter beginning one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date.”;

(B) EXCEPTION FOR CERTAIN AMERICAN RESCUE PLAN ACT OF 2021 CONFORMING AMENDMENTS.—The amendments made by subsections (A), (B), and (C) of section 1902(e)(16)(A) shall take effect on the first day of the first fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date.

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-12) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by section 1902(e)(15)(A) that has not adopted the option under section 1902(e)(16)(A), 60-day period, and

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State that has a 2-year period and

(ii) in subparagraph (C), by striking “60-day period” and inserting “12-month period (or, for any fiscal year quarter with respect to which paragraph 1902(e)(15)(A) does not apply, for which the State has not adopted the option under section 1902(e)(15)(A), 60-day period)”;

(4) TRANSITION FROM STATE PLAN OPTION.—

(A) IN GENERAL.—Subject to subparagraph (B), the amendments made by this subsection shall take effect on the 1st day of the 1st fiscal year quarter that begins one year after the date of the enactment of this Act and shall apply with respect to child health assistance and pregnancy-related assistance, as applicable, provide such assistance to targeted low-income children or pregnancy-related assistance to targeted low-income pregnant women, under the State child health plan or waiver, including coverage of all items or services provided to a targeted low-income child or targeted low-income pregnant woman (as applicable) under the State child health plan or waiver.

(B) CONFORMING AMENDMENTS.—Section 2112 of the Social Security Act (42 U.S.C. 1397l) is amended—

(i) in subsection (d)—

(1) in paragraph (1), by striking “and includes,” and inserting “includes,”;

(ii) in paragraph (2)(A), by striking “60-day period” and inserting “12-month period”;

(iii) in paragraph (2)(B), by striking “60-day period” and inserting “12-month period”;

(iv) in paragraph (C), by striking “(1) requiring full benefits for pregnant and postpartum women for 12-month period post pregnancy.” and inserting “(i) requiring full benefits for pregnant and postpartum women for 12-month period post pregnancy.”;

(v) in paragraph (A) requiring, notwithstanding section 1902(e)(15)(A), 60-day period; and

(vi) in paragraph (A), by adding at the end the following new clause:

“(ii) For any fiscal year quarter (beginning with the first fiscal year quarter beginning one year after the date of the enactment of the Act titled ‘An Act to provide for reconciliation pursuant to title II of S. Con. Res. 14’), section 1902(e)(15)(A) (requiring, notwithstanding section 2107(e)(1)(C)(ii)), any other limitation under this title, continuous coverage for pregnant and postpartum individuals, including 12 months postpartum” before the period at the end; and

(E) EXTENDING CONTINUOUS COVERAGE.—In the case of a State that has a 2-year period and

(ii) in paragraph (C), by striking “60-day period” and inserting “12-month period (or, for any fiscal year quarter with respect to which paragraph 1902(e)(15)(A) does not apply, for which the State has not adopted the option under section 1902(e)(15)(A), 60-day period)”;

(5) TRANSITION FROM STATE PLAN OPTION.—

(A) IN GENERAL.—Section 1902(e)(16)(A) of the Social Security Act (42 U.S.C. 1396a(e)(16)(A)) is amended—

(i) in section 1902(a)(10), in the matter following paragraph (31), by striking “cooling-off period” and inserting “12-month period (or, for any fiscal year quarter beginning one year after the date of the enactment of this Act and shall apply with respect to medical assistance provided on or after such date.”;

(B) EXCEPTION FOR CERTAIN AMERICAN RESCUE PLAN ACT OF 2021 CONFORMING AMENDMENTS.—The amendments made by subsections (A), (B), and (C) of section 1902(e)(16)(A) shall take effect on the first day of the first fiscal year quarter that begins one year after the date of the enactment of the American Rescue Plan Act of 2021 (Public Law 117–2) and shall apply with respect to medical assistance provided on or after such date.

(C) EXCEPTION FOR STATE LEGISLATION.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-12) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under this subsection, the plan shall not be regarded as complying with the requirements of such title solely on the basis of its failure to meet such a requirement imposed by the first day of the first calendar quarter beginning after the close of the first regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the previous sentence, in the case of a State that has a 2-year period, each session shall be considered to be a separate regular session of the State legislature.
SEC. 30722. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND NEWBORN INDIVIDUALS.

Title XIX of the Social Security Act (42 U.S.C. 1396a) is amended by inserting after section 1945A the following new section:

SEC. 1945B. STATE OPTION TO PROVIDE COORDINATED CARE THROUGH A MATERNAL HEALTH HOME FOR PREGNANT AND NEWBORN INDIVIDUALS.

(a) In general.—Notwithstanding sections 1902(a)(1) (relating to state plan requirements) and section 1902(a)(10)(B) (relating to comparability), beginning 24 months after the date of enactment of this section, a State, at its option as a State plan amendment, may provide for medical assistance or a change in health insurance coverage as needed; and

(b) Maternal health home qualification standards.—A maternal health home under this section shall demonstrate to the State the ability to do the following:

(1) Develop an individualized comprehensive care plan for each eligible individual, working in a culturally and linguistically appropriate manner with such individual to develop and incorporate such care plan in a manner consistent with such individual’s needs and choices, including—

(A) primary care;

(B) infant care;

(C) social support services; and

(D) local hospital emergency care.

(2) Coordinate all necessary services to support prenatal, labor and delivery, and postpartum care for eligible individuals.

(3) Coordinate access to specialists, behavioral health professionals, early intervention services, and pediatrics.

(4) Collect and report information under subsection (d).

(c) Payments.—

(1) In general.—A State shall provide a designated provider, a team of health professionals, or a health team with payments for the provision of maternal health home services to each eligible individual. Such payments for maternal health home services made to a designated provider, a team of health professionals operating with such a provider, or a health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

(2) Use of health information technology.—A State may require a team of health professionals operating with such a provider, or a health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

(3) Hospital notification.—A State with a State plan amendment approved under this section shall require each hospital that is a participant in a State’s maternal mortality review committee, at such time and in such form and manner as required by the Secretary, to report to the Secretary, on a quarterly basis, the following information:

(A) The number of maternal health homes in the State in which individuals are enrolled pursuant to a State plan amendment under this section.

(B) The number of individuals served who selected a maternal health home, disaggregated by race and ethnicity, pursuant to a State plan amendment under this section.

(C) Information on the quality measures applicable for maternal health home services, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

(D) The type of delivery systems and payment models used to provide health home services to eligible individuals enrolled in a maternal health home under a State plan amendment under this section.

(E) The number and characteristics of designated providers, teams of health professionals, and health teams selected as maternal health homes pursuant to a State plan amendment under this section.

(F) Information on hospitalizations, morbidity, and mortality of eligible individuals and their infants enrolled in a maternal health home under a State plan amendment under this section.

(G) A report on best practices for effective strategies in coordinating care to support access to comprehensive maternal home care.

(H) Information reported to the State under paragraph (1).

(4) State plan amendment.—

(I) In general.—A State plan amendment submitted pursuant to this section shall include—

(A) eligibility criteria for maternal health homes;

(B) services available to eligible individuals through the maternal health home;

(C) a description of how such a provider, or a health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and the maternal health quality measures;

(D) reimbursement methodologies (as described in subsection (c)(2)).

(2) Hospital notification.—A State with a State plan amendment approved under this section shall require each hospital that is a participant in a State’s maternal mortality review committee, at such time and in such form and manner as required by the Secretary, to report to the Secretary, on a quarterly basis, the following information:

(A) The number of maternal health homes in the State in which individuals are enrolled pursuant to a State plan amendment under this section.

(B) The number of individuals served who selected a maternal health home, disaggregated by race and ethnicity, pursuant to a State plan amendment under this section.

(C) Information on the quality measures applicable for maternal health home services, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures.

(D) The type of delivery systems and payment models used to provide health home services to eligible individuals enrolled in a maternal health home under a State plan amendment under this section.

(E) The number and characteristics of designated providers, teams of health professionals, and health teams selected as maternal health homes pursuant to a State plan amendment under this section.

(F) Information on hospitalizations, morbidity, and mortality of eligible individuals and their infants enrolled in a maternal health home under a State plan amendment under this section.

(G) A report on best practices for effective strategies in coordinating care to support access to comprehensive maternal home care.

(H) Information reported to the State under paragraph (1).

(3) Education with respect to availability of maternal health home services.—In order for a State plan amendment to be approved under this section, a State shall include in the State plan amendment—

(A) a description of the State’s process for educating providers participating in the State plan amendment on the availability of maternal health home services, including the process by which such providers can refer individuals to a designated provider, team of health care professionals operating with such a provider, or health team for the purpose of establishing a maternal health home through which such individuals may receive such services; and

(B) a description of the State’s process for educating individuals on the availability of such services.

(4) Confidentiality.—A State with a State plan amendment approved under this section shall establish confidentiality protections to ensure, at a minimum, that the State does not disclose any identifying information with respect to any specific mortality case (including pursuant to the reporting of information required under this section).

(5) Rule of construction.—Nothing in this section shall be construed—

(A) to require an eligible individual to enroll in a maternal health home at any time; or

(B) to require a designated provider, team of health professionals, or health team, including, to the extent applicable, the core set of child health quality measures published under section 1139A, the core set of adult health quality measures for Medicaid eligible adults published under section 1139B, and maternal health quality measures. 
provider, team of health professionals, or health team does not voluntarily agree to act as a maternal health home.

(g) DEFINITIONS.—In this section:

(1) DESIGNATED PROVIDER.—The term ‘designated provider’ means a physician, clinical practice or clinical group practice, rural health clinic, freestanding birth center, community health center, midwife, nurse midwife, or any other health care entity or provider determined by the State and approved by the Secretary to be qualified to act as a maternal health home.

(2) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual eligible for medical assistance under the State plan or under a waiver of such plan who:

(A) is pregnant or in the postpartum period that begins on the last day of the pregnancy and ends on the last day of the month in which the 12-month period beginning on the last day of the pregnancy of the individual ends (or, if the State provides for a longer period of postpartum coverage period under such plan or waiver, on the last day of such longer period); and

(B) is not enrolled in a health plan or the Medicare program.

(3) MATERNAL HEALTH HOME.—The term ‘maternal health home’ has the meaning given such term for purposes of section 1395m of the Social Security Act (42 U.S.C. 1395m).

(4) MATERNAL HEALTH HOME SERVICES.—(A) IN GENERAL.—The term ‘maternal health home services’ means comprehensive and timely home services’ means comprehensive and timely care, including arranging appropriate follow-up, for individuals transitioning from inpatient care to other settings;

(B) a team of health professionals operating with such a provider, a team of health professionals operating with such a provider, or a health team.

(5) SERVICES DESCRIBED.—The services described in this subparagraph shall include:

(i) a standardized risk assessment for all participants to determine needs;

(ii) comprehensive care management;

(iii) care coordination and health promotion; and

(iv) care coordination and health promotion, including arranging appropriate follow-up, for individuals transitioning from inpatient care to other settings;

(v) maternal and family support (including authorized representatives);

(vi) making referrals to other medical, community, and social support services, if relevant; and

(vii) the use of health information technology to link services and coordinate care, to the extent practicable.

(6) STANDARDIZED RISK ASSESSMENT.—The term ‘standardized risk assessment’ means an assessment to determine the needs of an eligible individual that shall include an assessment of medical, obstetric, behavioral health, and social needs performed at the initial prenatal or postpartum visit.

(7) TEAM OF HEALTH PROFESSIONALS.—The term ‘team of health professionals’ means a team of health professionals (as described in the State plan amendment under this section) that—

(A) include physicians, midwives who meet at a minimum the international definition of the midwife and global standards for midwifery education and training established by the International Confederation of Midwives, nurses, nurse care coordinators, nutritionists, social workers, doulas, behavioral health professionals, community health workers, licensed practical nurses, and other professionals determined to be appropriate by the State;

(B) a health care entity or individual who is designated to coordinate such a team; and

(C) provide care at a facility that is free-standing, virtual, or based at a hospital, free-standing birthing center, community health center, mental health care, rural clinic, clinical practice or clinical group practice, academic health center, children’s hospital, or any other health care entity determined to be appropriate by the State and approved by the Secretary.

PART 3—TERRITORIES

SEC. 30731. INCREASING MEDICAID CAP AMOUNTS AND THE FEDERAL MEDICAL ASSISTANCE PERCENTAGE FOR THE TERRITORIES.

(a) CAP AMOUNT ADJUSTMENTS.—Section 110(q)(2) of the Social Security Act (42 U.S.C. 1396q(c)(2)(A)) is amended—

(i) in subparagraph (A)—

(A) in clause (i)—

(i) by striking ‘‘except as provided in clause (ii)’’ and inserting ‘‘for each of fiscal years 1999 through 2019’’; and

(ii) by striking ‘‘and’’ at the end; and

(B) by adding at the end the following new clause:

‘‘(iii) for fiscal year 2022, $3,600,000,000; and

(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for fiscal year 2022, increased by the percentage increase, if any, in Medicaid spending under title XIX during the preceding year, determined on the most recent National Health Expenditure data with respect to such year, rounded to the nearest $100,000;’’

(2) in subparagraph (B)—

(A) in clause (i), by striking ‘‘except as provided in clause (ii),’’ and inserting ‘‘for each of fiscal years 1999 through 2019’’;

(B) in clause (ii), by striking ‘‘and’’ at the end; and

(C) by adding at the end the following new clause:

‘‘(iii) for fiscal year 2022, $135,000,000; and

(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000.’’;

(3) in subparagraph (C)—

(A) in clause (i), by striking ‘‘except as provided in clause (ii),’’ and inserting ‘‘for each of fiscal years 1999 through 2019’’;

(B) in clause (ii), by striking ‘‘and’’ at the end;

(C) by adding at the end the following new clause:

‘‘(iii) for fiscal year 2022, $140,000,000; and

(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for fiscal year 2022, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000.’’;

(4) in subparagraph (D)—

(A) in clause (i), by striking ‘‘except as provided in clause (ii),’’ and inserting ‘‘for each of fiscal years 1999 through 2019’’;

(B) in clause (ii), by striking ‘‘and’’ at the end;

(C) by adding at the end the following new clauses:

‘‘(iii) for fiscal year 2022, $70,000,000; and

(iv) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000;’’;

(5) in subparagraph (E)—

(A) in clause (i), by striking ‘‘except as provided in clause (ii),’’ and inserting ‘‘for each of fiscal years 1999 through 2019’’;

(B) in clause (ii), by striking ‘‘and’’ at the end;

(C) in clause (iii), by striking the period and inserting a semicolon; and

(D) by adding at the end the following:

‘‘(v) for fiscal year 2022, $90,000,000; and

(vi) for fiscal year 2023 and each subsequent year, the sum of the amount provided in this subsection for the preceding fiscal year, increased by the percentage increase described in subparagraph (A)(iv) for the preceding year, rounded to the nearest $10,000.’’; and

(6) by striking the flush matter following subparagraph (E)

(b) FMAP ADJUSTMENTS.—Section 1905(jj) of the Social Security Act (42 U.S.C. 1396d(jj)) is amended—

(1) by redesignating paragraphs (1) through (3) as subparagraphs (A) through (C), respectively, and adjusting the margins accordingly;

(2) by striking ‘‘Notwithstanding’’ and inserting the following:

‘‘(1) IN GENERAL.—Notwithstanding’’;

(3) in paragraph (1), as so redesignated—

(A) in the matter preceding subparagraph (A), as so redesignated, by inserting ‘‘paragraph (2)’’ after ‘‘subject to’’;

(B) in subparagraph (B), as so redesignated—

(i) by striking ‘‘December 3, 2021,’’ and inserting ‘‘September 30, 2021’’;

(ii) by striking ‘‘and’’ at the end;

(C) in subparagraph (C), as so redesignated, by striking ‘‘December 3, 2021,’’ and inserting ‘‘September 30, 2021’’;

(4) by adding at the end the following:

‘‘(D) for fiscal year 2022 and each subsequent fiscal year, the Federal medical assistance percentage for the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa shall be equal to 83 percent;

(E) for fiscal year 2022, the Federal medical assistance percentage for Puerto Rico shall be equal to 76 percent; and

(F) for fiscal year 2023 and each subsequent fiscal year, the Federal medical assistance percentage for Puerto Rico shall be equal to 82 percent.’’;

and

(4) by adding at the end the following new paragraph:

‘‘(2) SPECIAL RULE FOR PUERTO RICO RELATING TO ESTABLISHING A PAYMENT FLOOR.—

(A) IN GENERAL.—For each fiscal quarter (beginning with the first fiscal quarter beginning on or after the date of the enactment of this paragraph), Puerto Rico’s State plan (or waiver of such plan) shall establish a reimbursement rate that is consistent with the applicable payment arrangement plan, for physician services that are covered under the Medicare part B fee schedule in the Puerto Rico locality established under section 1840(b)(1), and not less than 70 percent of the payment that would apply to such services if they were furnished under part B of title XVIII during such fiscal quarter.

(B) APPLICATION TO MANAGED CARE.—In determining whether Puerto Rico has established a reimbursement floor under a directed payment arrangement plan that satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during fiscal year 2022 or a subsequent fiscal year, the Secretary shall disregard payments made under sub-capitated arrangements for services such as primary care case management; and

(C) in clause (iii), by striking the period and inserting a semicolon; and

(2) by adding at the end the following new clause:

‘‘(v) if the reimbursement floor for physician services applicable under a managed care contract satisfies the requirements of subparagraph (A) for a fiscal quarter occurring during a year in which the contract is entered into or renews, such reimbursement floor shall be deemed to satisfy such requirements for each subsequent fiscal quarter occurring during such year and for each fiscal quarter occurring during the subsequent fiscal year.’’

(C) FMAP REDUCTION FOR FAILURE TO ESTABLISH PAYMENT FLOOR.—

(1) IN GENERAL.—In the case that the Secretary determines that Puerto Rico has failed to meet the requirement of subparagraph (A) with
respects to a fiscal quarter, the Federal medical assistance percentage otherwise determined under this subsection for Puerto Rico shall be reduced for such quarter by the applicable number of percentage points described in clause (b).

(2) Exception for State plan (or waiver of such plan) approved under subsection (a)(10)(A) shall remain eligible for such benefits until the earlier of—

(A) the end of the 12-month period beginning on the date of such determination; or

(B) the time that such individual attains the age of 19; or

(C) the date that such individual ceases to be a resident of such State.

(B) Effective date.—

(i) In general.—Subject to clause (ii), the amendments made under subparagraph (A)(ii) shall take effect one year after the date of enactment of this Act.

(ii) Exception for State legislation.—In the case of a State plan under title XIX of the Social Security Act (42 U.S.C. 1396 through 1396w-6) that the Secretary of Health and Human Services determines requires State legislation in order for the plan to meet any requirement imposed by amendments made under subparagraph (A)(ii), the plan shall not be regarded as failing to comply with the requirement of such State legislation if such State makes reasonable efforts to adopt such State legislation as soon as practicable.

(2) Under the Children’s Health Insurance Program.—Section 2107(e)(1) of the Social Security Act (42 U.S.C. 1397e(g)(1)) is amended—

(A) by redesignating subparagraphs (K) through (T) as subparagraphs (L) through (U), respectively; and

(B) by striking the following new subparagraph (I):—

(K) Section 1902(e)(17) (relating to 1 year of continuous eligibility for children).

(3) Extension of certain provisions.—

(A) A plan (or waiver) shall be considered to be a separate regular session of the State legislature that begins after the date of the enactment of this Act. For purposes of the provisions of this Act, the preceding fiscal quarter, for purposes of this section, that is referred to by paragraph (1) shall be determined by subtracting from the quarter the number of days that is equal to the number of calendar days in such quarter minus 0.25 percentage points, except that in no case may the application of this subclause result in a reduction of more than 5 percentage points.

(ii) The term “regular session” means—

(A) a session of the State legislature that begins after the date of the enactment of this Act.

(iii) The term “fiscal quarter” means—

(A) the first quarter of the calendar year that begins two years after the date of the enactment of this Act.

(iv) The term “State plan” means—

(A) a plan approved under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.) that is in effect on the date of the enactment of this Act; and

(B) any plan approved after the date of the enactment of this Act.

(iii) The term “preference of the Secretary” means—

(A) a preference of the Secretary designated by the Secretary for purposes of section 2111(a)(3) of the Social Security Act (42 U.S.C. 1397f(a)(3)) that is in effect on the date of the enactment of this Act; and

(B) any preference approved after the date of the enactment of this Act.

(iv) The term “plan (or waiver)” means—

(A) a plan approved under title XIX of the Social Security Act (42 U.S.C. 1396a et seq.) that is in effect on the date of the enactment of this Act; and

(B) any plan approved after the date of the enactment of this Act.
(i) EXPRESS LANE ELIGIBILITY OPTION.—Section 1902(o)(13) of the Social Security Act (42 U.S.C. 1396a(o)(13)) is amended by striking paragraph (1). (2) ADJUSTMENTS FOR AFFORDABILITY STANDARD FOR CHILDREN AND FAMILIES.—Section 1902(gg)(2) of the Social Security Act (42 U.S.C. 1396a(gg)(2)) is amended— (A) in the heading, by striking “THROUGH SEPTEMBER 30, 2021”; and (B) by striking “through September 30” and all that follows through “ends on September 30, 2027” and inserting “(but beginning on October 1, 2019).”; (c) EXPANSION OF COMMUNITY MENTAL HEALTH SERVICES TRANSITION PROGRAM.— (1) IN GENERAL.—Section 223 of the Protecting Access to Medicare Act of 2014 (42 U.S.C. 1396a note) is amended— (A) in subsection (c), by adding at the end the following new paragraph: “(3) ADDITIONAL PLANNING GRANTS.—In addition to the planning grants awarded under paragraph (1), the Secretary shall award planning grants to States (other than States selected to conduct demonstration programs under paragraphs (1) or (8) of section (d)) for the purpose of developing, implementing, and testing time-limited demonstration programs described in subsection (d).”, (B) in subsection (d), by adding the following: “(1) Subject to paragraph (2), by striking “Subject to paragraph (8)” and inserting “Subject to paragraph (8) and (9)”; (ii) in paragraph (5)(C)(iii)(II), by inserting “or paragraph (9)” after “paragraph (8)”; (iii) in paragraph (7)— (I) in subparagraph (A), by inserting “through the year in which the last demonstration under this section ends” after “annually thereafter”; and (II) in subparagraph (B), by striking “November 30, 2021” and inserting “March 31, 2026”; (bb) by striking “recommendations concerning” and all that follows through the period and inserting “recommendations concerning whether and how the demonstration programs under this section should be modified.”; and (cc) by adding at the end the following new sentence: “Such recommendations shall be based on data collected from States selected to conduct demonstration programs under paragraphs (1) or (8) of this subsection and, to the extent available, the data collected from States selected to conduct demonstration programs under paragraphs (8) and (9).”; and (iv) by adding at the end the following new paragraph: “(a) FURTHER ADDITIONAL PROGRAMS.— (A) IN GENERAL.—In addition to the States selected under paragraphs (1) and (8) and without regard to paragraph (4), the Secretary shall select any State that meets the requirements described in subparagraph (c) of paragraph (8) to conduct demonstration programs under paragraphs (8) and (9).”; and (v) by adding at the end the following new paragraph: “(c) REQUIREMENTS FOR SELECTED STATES.— The requirements applicable to States selected under paragraph (a) pursuant to subparagraph (c) of such paragraph shall apply in the same manner to States selected under this paragraph.”; (vi) in subsection (e), by amending paragraph (4) to read as follows: “(4) STATE.—The term State means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and American Samoa.”; and (vii) in subsection (f)(1)— (i) in subparagraph (A), by striking “; and” and inserting a semicolon; (ii) in subparagraph (B), by striking the period and inserting “,” and $40,000,000 for fiscal year 2022; and (iii) by adding at the end the following new subparagraph: “ (G) PURPOSES.—For the purposes of updating the criteria under subsection (a) as needed for certified community behavioral health clinics and carrying out subsections (c)(3), (d)(7), and (d)(9) (including the provision of technical assistance to States applying for planning grants under subsection (c)(3) and conducting demonstration projects under this section), $5,000,000 for fiscal year 2022.” (2) EXCLUSION OF AMOUNTS ATTRIBUTABLE TO INCREASED FMAP FROM TERRITORIAL CAPS.—Section 1108 of the Social Security Act (42 U.S.C. 1396r) is amended— (A) in subsection (f), by adding at the end the following: “(4) STATE.—The term State means each of the 50 States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and American Samoa.”; (B) by striking “; and” and inserting “and” after the semicolon and inserting “; and” after the semicolon; (C) EXCLUSION FROM CAPS OF AMOUNTS ATTRIBUTABLE TO INCREASED FMAP FOR COMMUNITY MENTAL HEALTH SERVICES.—Any additional amount paid to Puerto Rico, the Virgin Islands, Guam, the Northern Mariana Islands, and American Samoa for mental health services that is attributable to an enhanced Federal medical assistance percentage applicable to such expenditures under section 1108(b) of the Social Security Act of 2014 shall not be taken into account for purposes of applying payment limits under subsections (f) and (g).” (3) MAKING PERMANENT A STATE OPTION TO PROVIDE QUALIFYING COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.—Section 1905(b) of the Social Security Act (42 U.S.C. 11905) is amended— (A) in subparagraph (D), by adding at the end the following: “(F) SURVEY REPORTING.—A State shall require that any retail pharmacy community in the State that receives any payment, reimbursement, administrative fee, discount, or rebate related to the dispensing of covered outpatient drugs to individuals receiving benefits under this title or title XXI, regardless of whether such payment, fee, discount, or rebate is received from the State or a managed care entity directly or from a pharmacy benefit manager or another entity that has a contract with the State or a managed care entity with respect to such discounts and rebates (as such terms are defined in section 1902(m)(9)(D)), shall respond to surveys of retail pharmacy payment, fee, discount, or rebate information requested by the vendor.”. (4) FUNDING FOR COMMUNITY-BASED MOBILE CRISIS INTERVENTION SERVICES.—Section 1905(b) of the Social Security Act (42 U.S.C. 11905) is amended— (A) in paragraph (1), by striking “the 50 States” and inserting “the 50 States, the District of Columbia, Puerto Rico, Guam, the Northern Mariana Islands, and American Samoa;” and (B) in paragraph (2), by striking “for the 8 fiscal year quarters ending during the period described in subsection (a)” and inserting “for the 12 fiscal year quarters ending during the period described in subsection (a)” and inserting “occurring during the period described in subsection (a)” and inserting “during a fiscal quarter”. (5) Extension of 100 percent Federal Medical Assistance Percentage for Urban Indian Health Organizations and Native Hawaiian Health Care Systems.—Section 1905(b)(6) of the Social Security Act (42 U.S.C. 11905(b)(6)) is amended— (A) by striking “and” after the semicolon and inserting “; and” after the semicolon and inserting “; and” after the semicolon; (B) by striking “and” and inserting “; and” and inserting “and” after the semicolon and inserting “; and” after the semicolon; (C) by striking “and” and inserting “; and” and inserting “; and” after the semicolon; and (D) by striking “and”. (6) BONDS.—Section 1927(f) of the Social Security Act (42 U.S.C. 1396r–8(f)) is amended— (A) by striking “and” after the semicolon and inserting “; and” after the semicolon and inserting “; and” after the semicolon; and (B) by striking “and”. (7) INCREASED FMAP FROM TERRITORIAL CAPS.—Section 1905(b) of the Social Security Act (42 U.S.C. 11905) is amended— (A) in subparagraph (I), by inserting “and” after the semicolon and inserting “; and” after the semicolon; and (B) by striking “and” after the semicolon and inserting “; and” after the semicolon.
HEALTH INSURANCE PROGRAM.—
paragraph (1) shall not apply to the State with
notification to the Secretary, the condition under
State fiscal year, the State is projected to have
budget deficit, or with respect to the succeeding
which the certification is made, the State has a
that, with respect to the State fiscal year during
State had certified or certifies to the Secretary
involved if, on or after December 31, 2022, the
percent of the poverty line (as defined in section
waiver such plan) whose income exceeds 133 per-
tered quarter.
be reduced by 3.1 percentage points for such cal-
ards, methodologies, or procedures, respectively,
are more restrictive than the eligibility stand-
or section 1115 of such Act (42 U.S.C. 1315)) that
Social Security Act (42 U.S.C. 1396 through
graph (D) of section 1902(e)(14)) who are apply-
subsections (e), (f), and (g)); and
purpose of carrying out this section (other than
subparagraphs:
''or (10)''; and
''or 2023''; and
''or (10)''
and inserting ''for a fiscal year before 2027''; and
inserting ``beginning with fiscal year 2024, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated''; and
inserting 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated''; and
inserting “For the period fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”.

PART 5—MAINTENANCE OF EFFORT
SEC. 30751. ENCOURAGING CONTINUED ACCESS AFTER THE END OF THE PUBLIC HEALTH EMERGENCY.
Section 6008 of the Families First Coronavirus Response Act (42 U.S.C. 1396d note), as amended by
section 705(a) of the Bipartisan Budget Act of 2018 (Public Law 115–123), is amended—
(b) ORGANICALLY MEASURED.—
1396w-6) (including any waiver under such title
SEC. 30752. ASSURANCE OF ELIGIBILITY STANDARDS FOR CHILDREN.—Section 2103(d)(3) of the Social
Security Act (42 U.S.C. 1397e(d)(3)) is amended—
(A) in the paragraph (A)(ii)—
(B) by adding at the end the following new
subparagraphs:
''fiscal year 2024 or any subsequent fiscal year''.
''$60,000,000 for fiscal years 2028, 2029,
and 2030''; and
$100,000 over such previous fiscal year, for the purpose
of carrying out this section (other than subsections
(e), (f), and (g)); and
''beginning with fiscal year 2024''; and
inserting “For the period fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”.

CHIP DRUG REBATES.—
SEC. 30753. CHIP DRUG REBATES.—
(A) IN GENERAL.—Section 2107 of the Social
Security Act (42 U.S.C. 1397gg), as amended by
section 307Z1(1)(C), is further amended—
(A) in subsection (e)(1) by adding at the end the following new subparagraph:
(B) by inserting “beginning with fiscal year 2024” and
inserting “beginning with fiscal year 2024”.

SEC. 30754. OUTREACH AND ENROLLMENT PROGRAM.—
Section 2105 of the Social Security Act (42 U.S.C. 1397dd) is amended—
(A) by adding at the end the following new
subparagraph:
(B) by inserting “beginning with fiscal year 2024” and
inserting “beginning with fiscal year 2024”.

SEC. 30755. CHILD ENROLLMENT CONTINGENCY FUND.—
Section 2104(n) of the Social Security Act (42 U.S.C. 1397dd(n)) is amended—
(A) in subsection (a)(i)—
(B) by inserting “beginning with fiscal year 2024” and
inserting “beginning with fiscal year 2024”.

SEC. 30756. CHIP REIMBURSEMENTS.—
Section 2106 of the Social Security Act (42 U.S.C. 1397dd) is amended—
(A) by adding at the end the following new
subparagraph:
(B) by inserting “beginning with fiscal year 2024” and
inserting “beginning with fiscal year 2024”.

SEC. 30757. REVENUE SOURCES.—
Section 2107 of the Social Security Act (42 U.S.C. 1397gg), as amended by
section 307Z1(1)(C), is further amended—
(A) in subsection (e)(1) by adding at the end the following new subparagraph:
(B) by adding at the end the following new
subparagraph:

Subtitle G—Children’s Health Insurance Program
SEC. 30801. INVESTMENTS TO STRENGTHEN CHIP.
(a) PERMANENT EXTENSION OF CHILDREN’S HEALTH INSURANCE PROGRAM.—
(1) IN GENERAL.—Section 2101(a)(28) of the Social
Security Act (42 U.S.C. 1396d(a)(28)) is amended to read as follows:
"(28) for fiscal year 2027 and each subsequent
year, such sums as are necessary to fund allot-
ments to States under section (m).”;
(2) ALLOTMENTS.—Section 2104(m) of the Social
Security Act (42 U.S.C. 1397dd(m)) is amended—
(i) in paragraph (2)(B)(i), by striking “2023,” and
"2027” and inserting “2023,” and
(ii) in paragraph (5)—
"(i) by striking “(10), or (11)” and inserting
“(10)”; and
"(ii) by striking “a fiscal year” and inserting
“for a fiscal year before 2027”; and
"(iii) by striking “2023,” and inserting
“2023”; and
"(iv) in subparagraph (7)—
"(i) in subparagraph (A), by striking “and ending
within fiscal year 2022,” and
"(ii) in the flush left matter at the end, by striking
“fiscal year 2026,” and inserting “fiscal
year 2026, or a subsequent even-numbered
fiscal year”;
"(v) in paragraph (9)—
"(i) by striking “(10), or (11)” and inserting
“(10)”; and
"(ii) by striking “2023, or 2027,” and inserting
“2023”; and
"(v) by striking paragraph (11).
"(B) C OMPENSATION.—Section 50101(b)(2) of the Bipartisan Budget Act of 2018
(Public Law 115–123) is repealed.
"(C) IN ORGANICALLY MEASURED.—
1396w-6) (including any waiver under such title
Social Security Act (42 U.S.C. 1397dd(b)) that
for a fiscal year after fiscal year 2008”.
"or (10)”;
"or (10)’’ and inserting
"beginning with fiscal year 2024, an amount equal
to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”;
and
inserting “For the period fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”;
and
inserting “For the period fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”;
and
inserting “For the period fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”;
and
inserting “For the period fiscal years 2024 through 2027, an amount equal to 10 percent of such amounts
for the period or the fiscal year for which such amounts
are appropriated”. 

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(C) by adding at the end the following new subclause: "(VII) any rebates paid pursuant to section 2101(f)(1)(V)."

(d) STATE ACTION TO EXPAND CHILDREN’S ELIGIBILITY FOR CHIP—

(1) IN GENERAL.—Section 2110(b)(1)(B)(ii) of the Social Security Act (42 U.S.C. 1397h(b)(1)(B)(ii)) is amended—

(A) in subclause (I), by striking "or" at the end;

(B) in subclause (II), by striking "and" at the end and inserting "or"; and

(C) by inserting after subclause (III) the following new subclause:

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(V) (i) at the option of the State, whose family income exceeds an amount in excess of otherwise established for children under the State child health plan as of the date of the enactment of this subclause and,

(ii) to a State Medicaid program under title XIX.
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(e) TREATMENT OF TERRITORIES.—Section 194(m)(7) of the Social Security Act (42 U.S.C. 1396d(m)(7)) is amended—

(A) in paragraph (1), by striking "the 50 States or the District of Columbia" and inserting "a State (including the District of Columbia and each commonwealth and territory)";

(B) in subparagraph (B)(ii), by striking "or District"; and

(C) in the matter following subparagraph (B), by striking each place it occurs "or Territory" and inserting "or Territory".

(f) FUNDING FOR IMPLEMENTATION AND ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, to be available until expended, out of any money in the Treasury not otherwise appropriated, $3,000,000, to provide technical assistance and cover administrative costs associated with implementing the amendments made by this section.

Subtitle IID—Medicare Coverage of Hearing Services

SEC. 10901. PROVIDING COVERAGE FOR HEARING CARE UNDER THE MEDICARE PROGRAM.

(a) PROVISION OF AUDIOLOGY SERVICES BY QUALIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS—

(I) IN GENERAL.—Section 1861(ll) of the Social Security Act (42 U.S.C. 1395w–3(a)(2)) is amended—

(A) in paragraph (4), by inserting at the end the following new subparagraph:

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(IV) a qualified audiologist (as defined in section 1861(ll)(4)), qualified hearing aid professional (as so defined), physician assistant, or clinical nurse specialist.
```

(ii) CERTAIN HEARING AIDS.—Sections 1834(h) of the Social Security Act (42 U.S.C. 1395l(a)(1)), as amended by subsection (a)(3), is amended—

(A) in paragraph (1), by inserting the following new subparagraph:

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(C) CERTAIN HEARING AIDS.—Those items and services described in paragraph (2)(D) if furnished by a qualified hearing aid professional as defined in section 1861(ll)(4), qualified hearing aid professional (as so defined), physician assistant, or clinical nurse specialist.
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(iii) in paragraph (5), by striking each place it occurs "or Territory" and inserting "or Territory".

(b) CONFORMING AMENDMENT.—Section 1823(h) of the Social Security Act (42 U.S.C. 1395m(h)(1)(B)) is amended—

(A) in paragraph (1), by striking "(B) in paragraph (4), by inserting the following new subparagraph:

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(IV) the term ‘qualified hearing aid professional’ means, with respect to hearing assessment services described in paragraph (3), an individual who—

(i) is licensed or registered as a hearing aid dispenser, hearing aid specialist, hearing instrument dispenser, or related professional by the State in which the individual furnishes such services; and

(ii) meets such other requirements as the Secretary determines appropriate (including requirements relating to educational certification or accreditations), taking into account any additional requirements for hearing aid specialists, hearing aid dispensers, and hearing instrument dispensers.
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(ii) EXEMPTION OF CERTAIN ITEMS FROM COMPETITIVE ACQUISITION.—Section 1847(a)(7) of the Social Security Act (42 U.S.C. 1395w–4(a)(7)) is amended by adding at the end the following new subparagraph:

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(H) HEARING AIDS.—Hearing aids described in section 1861(ll)(4) for which payment would otherwise be made under section 1844(a)(9)."
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(iii) INCLUSION OF CERTIFIED AUDIOLOGISTS AND QUALIFIED HEARING AID PROFESSIONALS AS
established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under such system until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2029, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such audiology services under such system shall not take into account the costs of such services for which such rates are based on rates payable for such services under the payment basis established under section 1848.;

(c) TEMPORARY PAYMENT RATES FOR CERTAIN SERVICES UNDER THE RHC AIR AND FQHC AIR.—(A) AIR.—Section 1833 of the Social Security Act (42 U.S.C. 1395l-1(a)) is amended by adding—

(1) in clause (i), by striking “(A)”, by inserting “(i)”, and by striking “or”;

(2) in clause (ii), by striking the period and inserting “;”; and

(3) by adding at the end the following new clause:

“(iii) consisting of audiology services described in subsection (ll)(6) of section 1861, or hearing aids described in subsection (s)(8) of such section, that are payable under part B as of such date)’’ after “(ii)’’.

(d) CLARIFYING COVERAGE OF AUDIOLGY SERVICES AS PHYSICIANS’ SERVICES.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting “including audiology services (as defined in section 1861(ll)(3)), in lieu of any” after “(aa)(1)(B)’’.

(e) EXCLUSION MODIFICATION.—Section 1861(aa)(1)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(A)) is amended by inserting “(including audiology services (as defined in section 1861(ll)(3))’’ after “(aa)(1)(B)’’.

(f) DETERMINATION OF SUFFICIENT DATA.—Section 1861(ll)(2)(A) of the Social Security Act (42 U.S.C. 1395x(aa)(1)(B)) is amended by inserting “in determining sufficient data has been collected to otherwise apply such limits (or January 1, 2029, if no such determination has been made as of such date)” after “(ii)’’.

(g) TEMPORARY PAYMENT RATES BASED ON PPFS.—Payments for rural health clinic services other than audiology services (as defined in section 1861(ll)(3)) under the methodology for all- inclusive rates (established by the Secretary under subsection (a)(3)) shall not take into account the costs of such services for which such rates are based on rates payable for such services under the payment basis established under section 1848..

(h) PPFS.—Section 1834(o) of the Social Security Act (42 U.S.C. 1395m(o)) is amended by adding at the end the following new paragraphs:

“5. TEMPORARY PAYMENT RATES BASED ON PPFS FOR CERTAIN SERVICES.—The Secretary shall, in establishing payment rates for audiology services described in subsection (a)(3) that are Federally qualified health center services under the prospective payment system established under this subsection, in lieu of the rates otherwise applicable under such system, base such rates on rates payable for such services under the payment basis established under such system until such time as the Secretary determines sufficient data has been collected to otherwise establish rates for such services under such system (or January 1, 2029, if no such determination has been made as of such date). Payments for Federally qualified health center services other than such audiology services under such system shall not take into account the costs of such services for which such rates are based on rates payable for such services under the payment basis established under section 1848.;

(2) USE OF FUNDS.—Amounts made available pursuant to subsection (a) shall be used to support core public health infrastructure activities to strengthen the public health system of the United States, including by awarding grants under this section and expanding and improving activities of the Centers for Disease Control and Prevention under subsections (c) and (d).

(3) GRANTS.—(A) REALLOCATION TO LOCAL HEALTH DEPARTMENTS.—A State health department receiving funds under subparagraph (A) or (B) of paragraph (1) shall allocate at least 25 percent of such funds to local health departments, as applicable, within the State to support contributions of the local health departments to core public health infrastructure activities.

(B) PROGRESS IN MEETING ACCREDITATION STANDARDS.—A health department receiving funds under this section that is not accredited as determined by the Secretary that—

(i) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

(ii) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for fiscal year 2018; and

(C) IN GENERAL.—The Secretary shall award grants under paragraph (1), the Secretary shall award grants to each State or territorial health department in accordance with a formula that considers population size, the Social Vulnerability Index of the Centers for Disease Control and Prevention, and other factors as determined by the Secretary.

(D) ELIGIBLE USES.—In awarding grants under paragraph (1), the Secretary shall award grants to each State or territorial health department in accordance with a formula that considers population size, the Social Vulnerability Index of the Centers for Disease Control and Prevention, and other factors as determined by the Secretary.

(E) PERMITTED USE.—(A) IN GENERAL.—The Secretary may make available a subset of the funds available for grants under paragraph (1) for purposes of assisting states in addressing public health infrastructure needs for public health agencies in the applicant’s jurisdiction.

(B) USES.—Recipients of such grants may use the funds received through the grant to address the core public health infrastructure needs and to report to the Centers for Disease Control and Prevention on efforts to achieve accreditation, as applicable.

(C) ELIGIBLE USES.—In awarding grants under this section, an entity shall—

(1) submit an application in such form and containing such information as the Secretary shall require.

(2) demonstrate to the satisfaction of the Secretary that—

(i) funds received through the grant will be expended only to supplement, and not supplant, non-Federal and Federal funds otherwise available to the entity for the purpose of addressing core public health infrastructure needs; and

(ii) with respect to activities for which the grant is awarded, the entity will maintain expenditures of non-Federal amounts for such activities at a level not less than the level of such expenditures maintained by the entity for fiscal year 2018; and

(3) agree to report annually to the Secretary regarding the use of the grant funds.

(D) CORE PUBLIC HEALTH INFRASTRUCTURE AND ACTIVITIES FOR THE CDC.—The Secretary, acting through the Director, shall expend and improve the core public health infrastructure and activities of the Centers for Disease Control and Prevention to support activities necessary to—

(1) address unmet, ongoing, and emerging public health needs, including prevention, preparation for, and response to public health emergencies.

(2) ENFORCEMENT.—In this section, the term ‘‘core public health infrastructure includes—

(1) health equity activities;

(2) workforce capacity and competency;

(3) all hazards public health and preparedness;

(4) testing capacity, including test platforms, mobile testing units, and personnel;

(5) health information systems, and health information analysis (including data analytics);

(6) epidemiology and disease surveillance;

(7) contact tracing;

(8) policy and communications;

(9) financing; and

(10) interagency partnership development; and

(11) relevant components of organizational capacity.
(f) SUPPLEMENT NOT SUPPLANT.—Amounts made available by this section shall be used to supplement, and not supplant, amounts otherwise made available for the purposes described in this section.

SEC. 31002. FUNDING FOR HEALTH CENTER CAPITAL GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until expended, for necessary expenses for awarding grants and entering into cooperative agreements for capital projects to health centers funded under section 330 of the Public Health Service Act (42 U.S.C. 254b) to be awarded with regard to the time limitation in subsection (e)(3) and subsections (e)(6)(A)(iii), (e)(6)(B)(iii), and (r)(2)(B) of such section 330, and for necessary expenses for awarding grants and cooperative agreements for capital projects to Federally qualified health centers, as described in section 1861(aa)(4)(B) of the Social Security Act (42 U.S.C. 1395zzaa(4)(B)).

(b) AMOUNT AND DURATION LIMITATIONS.—Subsection (b) of section 340A of the Public Health Service Act (42 U.S.C. 254l–1) shall not apply with respect to amounts awarded under subsection (a).

(3) For making payments pursuant to section 340B of the Public Health Service Act (42 U.S.C. 256h), make payments and awards to eligible entities for the purposes of making awards to eligible entities for the following activities:

(1) For making payments to establish new approved graduate medical residency training programs pursuant to section 340H of the Public Health Service Act (42 U.S.C. 256h(c)(1)(C)).

(2) For making payments under section 340H(b)(1)(A) of the Public Health Service Act (42 U.S.C. 256h(a)(1)(A)) to qualified teaching health centers for the purpose of establishing new accredited or expanded primary care residency programs.

(3) To provide an increase to the per resident amount described in section 340H(c)(2) of the Public Health Service Act (42 U.S.C. 256h(c)(2)).

(4) PRIORITY USES OF FUNDS.—In making payments and awards under subsection (c), the Secretary shall take into consideration requirements of paragraphs (3)(A) and (3)(B) of section 340H of the Public Health Service Act (42 U.S.C. 256h), make payments and awards to eligible entities in any State or territory in which there is no existing qualified teaching health center funded by payments under such section 340H.

SEC. 31004. FUNDING FOR CHILDREN’S HOSPITALS THAT OPERATE GRADUATE MEDICAL EDUCATION PROGRAMS.

In addition to amounts otherwise available, and notwithstanding the caps on awards specified in paragraphs (1) and (2) of subsection (b) and (h)(1) of section 340E of the Public Health Service Act (42 U.S.C. 256e), there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until expended, for carrying out such section 340E of the Public Health Service Act (42 U.S.C. 256e).

SEC. 31005. FUNDING FOR NATIONAL HEALTH CENTER GRADUATE MEDICAL EDUCATION PROGRAMS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,370,000,000, to remain available until expended, for (1) the program of payments to teaching health centers that operate graduate medical education programs under this section; (2) the award of teaching health center development grants pursuant to section 749A of the Public Health Service Act (42 U.S.C. 297n–1); (3) the program of payments to teaching health centers that operate graduate medical education programs under such section 749A of such Act, to be awarded with regard to the time limitation in subsection (e)(3) and subsections (e)(6)(A)(iii), (e)(6)(B)(iii), and (r)(2)(B) of such section 330, and for necessary expenses for awarding grants and cooperative agreements for capital projects to Federally qualified health centers, as described in section 1861(aa)(4)(B) of the Social Security Act (42 U.S.C. 1395zzaa(4)(B)).

SEC. 31006. FUNDING FOR THE NURSE CORPS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until expended, for carrying out section 846 of the Public Health Service Act (42 U.S.C. 297n).

SEC. 31007. FUNDING FOR SCHOOLS OF MEDICINE IN UNDERSERVED AREAS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for purposes of making awards to eligible entities for the purpose of increasing the number of faculty and students at a school of medicine or osteopathic medicine, or for expansion of an allopathic or osteopathic school of medicine, means an additional location with respect to a school of medicine or osteopathic medicine, is geographically apart and consistent with subsection (b). (b) USE OF FUNDS.—The Secretary, acting through the Administrator of the Health Resources and Services Administration, shall, with priority given to minority-serving institutions determined will further the establishment, improvement, or expansion of a school of medicine or osteopathic medicine, (a) recruit, enroll, and retain students, including individuals who are from disadvantaged backgrounds (including racial and ethnic groups underrepresented among medical students and residents), individuals from rural and underserved areas, low-income individuals, and veterans, to medical school programs; (b) develop, implement, and expand curricula that emphasize care for rural and underserved populations, including accessible and culturally appropriate and linguistically appropriate care and services, at such school or branch campus; (c) support the construction and development of a school of medicine or osteopathic medicine in an area in which no other such school or branch campus of such a school is based; (d) create and maintain a multidisciplinary team to develop, and meet criteria for accreditation for a school of medicine or osteopathic medicine or branch campus of such a school; (e) create, support, and maintaining educational programs and curricula at such school;
(3) retaining current faculty, and hiring new faculty, with an emphasis on faculty from racial or ethnic groups that are underrepresented in the nursing workforce;

(4) establishing infrastructure at such school, including audiovisual or other equipment, personal protective equipment, simulation and augmented reality resources, telehealth technology, and personal protective equipment;

(5) partnering with a health care facility, nurse-managed health clinic, community health center, or other facility that provides health care, in the evaluation of educational opportunities for the purpose of establishing or expanding clinical education;

(6) enhancing and expanding nursing programs that prepare nurse researchers and scientists;

(7) establishing nurse-led interdisciplinary and interprofessional educational partnerships; or

(8) other activities that the Secretary determines will further the development, improvement, and expansion of schools of nursing.

SEC. 31009. FUNDING FOR PALLIATIVE CARE AND HOSPICE EDUCATION AND TRAINING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until expended, to support the establishment or operation of programs that—

(1) support training of health professionals in palliative and hospice care (including through traineeships or fellowships); and

(2) foster patient and family engagement, integration of palliative and hospice care with primary care and other appropriate specialties, and collaboration with community partners to address gaps in health care for individuals in need of palliative or hospice care.

(b) USE OF FUNDS.—The Secretary shall, giving priority to applicants proposing to carry out programs or activities that demonstrate coordination with other Federal or State programs and are expected to substantially benefit rural populations, medically underserved populations, medically underserved communities, Indian Tribes or Tribal organizations, or Urban Indian organizations, use amounts appropriated by subsection (a) to—

(i) develop and disseminate curricula relating to the provision of care to individuals with serious or life-threatening illness; and

(ii) train faculty members in palliative care in health-related educational, hospital, home, hospice, or long-term care settings; and

(c) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) provide training in interdisciplinary or interprofessional team-based palliative medicine through a variety of service rotations, such as rotations with respect to consultation services or care in acute and chronic care, and rotations in other health care settings, including extended care facilities, ambulatory care and comprehensive evaluation units, hospices, home care, and community care programs;

(ii) develop specific performance-based measures to evaluate the competency of trainees; and

(iii) provide training in interdisciplinary or interprofessional, team-based palliative medicine.

(d) GRADUATE MEDICAL EDUCATION PROGRAM DEFINED.—The term “graduate medical education program” means a program sponsored by an accredited school of medicine, an accredited school of osteopathic medicine, a hospital, or a public or private institution that—

(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

(ii) has been accredited by—

(A) the Accreditation Council for Graduate Medical Education; or

(B) the American Osteopathic Association through its Committee on Postdoctoral Training (or a successor committee).

SEC. 31011. FUNDING FOR PALLIATIVE CARE AND HOSPICE ACADEMIC CAREER AWARDS.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, to establish a program, consistent with section 753(b) of the Public Health Service Act (42 U.S.C. 294c(b)), including paragraphs (5)(A) and (5)(B) of such section 753(b) concerning the amount and duration of awards, except that such program shall be to provide awards to accredited schools of medicine, osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy applying on behalf of board-certified or board-eligible individuals in hospice and palliative medicine that have an early-career junior (non-tenured) faculty appointment at an accredited school of medicine, osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy, to promote the academic career development of individuals as hospice and palliative care specialists.

SEC. 31012. FUNDING FOR HOSPICE AND PALLIATIVE NURSING.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until expended, to establish a program to award grants and contracts to accredited schools of medicine, osteopathic medicine, nursing, social work, psychology, allied health, dentistry, or chaplaincy, to establish programs to train—

(i) nurse practitioners;

(ii) nurseanesthetists;

(iii) nurse midwives;

(iv) registered nurses;

(v) certified registered nurse anesthetists; and

(vi) other registered health care providers.

(b) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) provide training to individuals who will provide services in hospice or related educational, hospital, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(c) GRADUATE MEDICAL EDUCATION PROGRAM DEFINED.—The term “graduate medical education program” means a program sponsored by an accredited school of medicine, an accredited school of osteopathic medicine, a hospital, or a public or private institution that—

(i) offers postgraduate medical training in the specialties and subspecialties of medicine; and

(ii) has been accredited by—

(A) the Accreditation Council for Graduate Medical Education; or

(B) the American Osteopathic Association through its Committee on Postdoctoral Training (or a successor committee).

SEC. 31013. FUNDING FOR DISSEMINATION OF PALLIATIVE CARE INFORMATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for the purpose described in subsection (b).

(b) USE OF FUNDS.—The Secretary, after consultation with appropriate medical and other health professionals, shall use amounts appropriated by subsection (a) to—

(i) disseminate information to inform patients, families, caregivers, direct care workers, and health professionals about the benefits of palliative care throughout the continuum of care for patients with serious or life-threatening illness.

(ii) information, resources, communication, and education materials about palliative care for patients and families facing serious or life-threatening illnesses.

(iii) information regarding hospice and palliative care services, including information on how such services map.

(iv) develop age-friendly, patient-centered, and family-centered support throughout the continuum of care for serious and life-threatening illness.

(v) improve quality of life; and

(vi) facilitate and support the goals and values of patients and families facing serious or life-threatening illness.

(c) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(d) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(e) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(f) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(g) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(h) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(i) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.

(j) USE OF FUNDS.—Amounts made available to an awardee pursuant to subsection (a) shall be used to—

(i) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings; and

(ii) develop and disseminate curricula relating to the provision of care in health-related educational, hospital, home, hospice, or long-term care settings.
(2) Enhancing the capacity of the laboratories of the Centers for Disease Control and Prevention as described in subparagraphs (A) through (D) of paragraph (1).
(3) Enhancing the ability of the Centers for Disease Control and Prevention to monitor and exercise oversight over the biosafety and biosecurity of State and local public health laboratories.

SEC. 31022. FUNDING FOR PUBLIC HEALTH AND PREPAREDNESS RESEARCH, DEVELOPMENT, AND COUNTERMEASURE CAPACITY.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,300,000,000, to carry out activities to prepare for, and respond to, public health emergencies and emergent and non-emergent infectious diseases.

(b) Use of Funds.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall use amounts made available pursuant to subsection (a)—
(1) to support surge capacity, including through construction, expansion, or modernization of facilities, to respond to a public health emergency, and for development, procurement, and inventory of vaccines, antiviral agents, diagnostic tests, biological products, medical devices, personal protective equipment, personal protective gear, ventilators, personal protective equipment and supplies for the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b).
(2) to support expanded global and domestic vaccine production capacity and capabilities, including by developing or acquiring new technology and expanding manufacturing capacity through construction, expansion, or modernization of facilities;
(3) to support activities to mitigate supply chain risks and enhance supply chain elasticity and resilience for critical drugs, active pharmaceutical ingredients, and supplies (including essential medicines, medical countermeasures, and supplies in shortage or at risk of shortage), drug and vaccine raw materials, and other supplies, as the Secretary determines appropriate, including construction, expansion, or modernization of facilities for advanced manufacturing processes, and other activities to support domestic manufacturing of such supplies;
(4) to support activities conducted by the Bio–Medical Advanced Research and Development Authority for advanced research, standards development, and domestic manufacturing capacity for drugs, including essential medicines, diagnostics, vaccines, therapeutics, and personal protective equipment; and
(5) to support increased biosafety and biosecurity in research on infectious diseases, including by modernizing facilities.

SEC. 31023. FUNDING FOR INFRASTRUCTURE MODERNIZATION AND INNOVATION AT THE FOOD AND DRUG ADMINISTRATION.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended, for carry out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other nonprofit organizations working with a community-health-based organization or consortia of any such entities, operating in areas with high rates of adverse maternal health outcomes for pregnant and postpartum women, and helping to improve quality and access to care, and for developing, operating, and maintaining programs and resources to address social determinants of maternal health.

PART 3—MATERNAL MORTALITY

SEC. 31031. FUNDING FOR LOCAL ENTITIES ADDRESSING SOCIAL DETERMINANTS OF MATERNAL HEALTH.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribes and Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other nonprofit organizations working with a community-health-based organization or consortia of any such entities, operating in areas with high rates of adverse maternal health outcomes for pregnant and postpartum women, and helping to improve quality and access to care, and for developing, operating, and maintaining programs and resources to address social determinants of maternal health.

(b) Use of Funds.—Amounts made available by subsection (a) shall be used for the following activities:
(1) Addressing social determinants of health, including social determinants of maternal health, for pregnant and postpartum individuals and eliminating racial and ethnic disparities in maternal health outcomes.
(2) Conducting demonstration projects to address social determinants of health.
(3) Developing programs and resources to address social determinants of maternal health.

(SEC. 31032. FUNDING FOR THE OFFICE OF MINORITY HEALTH.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for providing technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

SEC. 31033. FUNDING TO GROW AND DIVERSIFY THE NURSING WORKFORCE IN MATERNAL AND PERINATAL HEALTH.

(a) In General.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $170,000,000, to remain available until expended, for providing technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

(b) Use of Funds.—
(1) Award and Use of Grant.—For the purposes of this section, the term ‘eligible entity’ means an entity receiving funding pursuant to subsection (a)
(2) Use of Funds.—The Secretary shall—
(A) carry out a program to award grants to eligible entities to apply for grants or contracts under subsection (a); and
(B) provide technical assistance, including through a grant or contract, to eligible entities receiving funding pursuant to subsection (a).

SEC. 31034. FUNDING FOR THE FOOD SECURITY ACT OF 2008.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until expended, for carrying out activities relating to the Food Security Act of 2008.
(B) Developing partnerships with practice settings in a health professional shortage area designated under such section for the clinical placements of students at the schools receiving such grants.

(C) Developing curriculum for students seeking to enter careers focused on maternal and perinatal health that includes training programs to address cultural, linguistic, and other barriers for culturally competent care, or trauma-informed care.

(D) Carrying out other activities under title VIII of the Public Health Service Act for the purpose under subsection (a).

SEC. 31034. FUNDING FOR PERINATAL QUALITY COLLABORATIVES.

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out a program to establish or support perinatal quality collaboratives to improve perinatal and perinatal health outcomes for pregnant and postpartum individuals and their infants.

SEC. 31035. FUNDING TO GROW AND DIVERSIFY THE DOULA WORKFORCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out a program to award grants or contracts to health professions schools, academic health centers, State or local governments, Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia of such entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the doula workforce, including through improving the capacity and supply of health care providers.

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

(1) Establishing or expanding doula training programs to provide education and training to individuals seeking appropriate training or certification as doulas.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purpose of increasing the number of students enrolled, including by awarding scholarships for students who agree to work in underserved communities after receiving such education and training.

(3) Developing and implementing strategies to recruit and retain students from underserved communities, particularly from demographic groups experiencing high rates of maternal mortality and severe maternal morbidity, including racial and ethnic minority groups, into programs described in paragraphs (1) and (2).

SEC. 31036. FUNDING TO GROW AND DIVERSIFY THE MENTAL HEALTH AND SUBSTANCE USE DISORDER TREATMENT WORKFORCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for carrying out a program to award grants or contracts to health professions schools, academic health centers, State or local governments, Tribal organizations, Urban Indian organizations, Native Hawaiian organizations, or other appropriate public or private nonprofit entities (or consortia of such entities, including entities promoting multidisciplinary approaches), to establish or expand programs to grow and diversify the mental health and substance use disorder treatment workforce, including through improving the capacity and supply of health care providers.

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

(1) Establishing programs that provide education and training leading to appropriate licensure or certification as mental health or substance use disorder treatment providers who plan to specialize in maternal mental health or substance use condition or peripartum mental health conditions.

(2) Expanding the capacity of existing programs described in paragraph (1), for the purpose of increasing the number of students enrolled in such programs, including by awarding scholarships for students.

(3) Developing and implementing strategies to recruit and retain students from underserved communities into programs described in paragraphs (1) and (2).

SEC. 31037. FUNDING FOR MENTAL MENTAL HEALTH EQUITY GRANT PROGRAM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out a program to award grants or contracts to community-based organizations, Indian Tribal and Tribal organizations, Native Hawaiian organizations, health care providers, accredited medical schools, accredited schools of nursing, teaching hospitals, health professions schools, physician assistant education programs, residency or fellowship programs, or other nonprofit organizations, contracts to accredited medical schools, or programs determined appropriate by the Secretary, or consortia of any such entities, to support the development and integration of education and training programs for identifying and addressing health risks associated with climate change for pregnant, lactating, and postpartum individuals.

(b) USE OF FUNDS.—Amounts made available by subsection (a) shall be used for developing, integrating, and implementing curriculum and continuing education that focuses on the following:

(1) Identifying health risks associated with climate change for pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

(2) How health risks associated with climate change affect pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

(3) Racial and ethnic disparities in exposure to, and the effects of, health risks associated with climate change for pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

(4) Patient counseling and mitigation strategies relating to health risks associated with climate change for pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

(5) Relevant services and support for pregnant, lactating, and postpartum individuals relating to health risks associated with climate change and strategies for ensuring such individuals have access to such services and support.

(6) Implicit and explicit bias, racism, and discrimination in providing care to pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

SEC. 31038. FUNDING FOR EDUCATION AND TRAINING AT HEALTH PROFESSIONS SCHOOLS TO IDENTIFY AND ADDRESS MENTAL HEALTH RISKS ASSOCIATED WITH CLIMATE CHANGE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $85,000,000, to remain available until expended, for carrying out a program to award grants or contracts to accredited medical schools, accredited schools of nursing, teaching hospitals, accredited midwifery programs, physician assistant education programs, residencies, fellowship programs, or other nonprofit organizations, contracts to accredited medical schools, or programs determined appropriate by the Secretary, or consortia of any such entities, to support the development and integration of education and training programs for identifying and addressing health risks associated with climate change for pregnant, lactating, and postpartum individuals.

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

(1) Developing and implementing systematic curricula and education to provide education and training at health professions schools for pregnant, lactating, and postpartum individuals and individuals with the intent to become pregnant.

(2) Identifying health risks associated with climate change for pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

(3) Raising awareness of, and addressing stigma associated with, maternal mental health conditions and substance use disorders, with a focus on individuals from racial and ethnic minority groups with high rates of adverse maternal health outcomes or with significant racial or ethnic disparities in maternal health outcomes.

(4) Patient counseling and mitigation strategies relating to health risks associated with climate change for pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

(5) Assessing differences in rates of adverse events and outcomes by race and ethnicity.

(6) Implicit and explicit bias, racism, and discrimination in providing care to pregnant, lactating, and postpartum individuals and with the intent to become pregnant.

SEC. 31039. FUNDING FOR MINORITY-SERVING INSTITUTIONS TO PREVENT MORTALITY, SEVERE MENTAL MORBIDITY, AND ADVERSE MENTAL HEALTH OUTCOMES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended for carrying out a program to award grants or contracts to minority-serving institutions described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q) to study maternal mortality, severe maternal morbidity, and maternal health outcomes.

(b) USE OF FUNDS.—Amounts made available by an awardee under subsection (a) shall be used for the purpose specified in such subsection, including the following activities:

(1) Developing and implementing curricula and training to address the biopsychosocial and biocultural processes of listening to the stories of pregnant and postpartum individuals from racial and ethnic minority groups, and perinatal health workforces serving such individuals, to fully understand the causes of, and inform potential solutions to, the maternal mortality and severe maternal morbidity crisis within their respective communities.

(2) Assessing the potential causes of relatively low rates of maternal mortality among Hispanic individuals and foreign-born Black women, and disparities in adverse maternal health outcomes among subgroups identifying as Hispanic.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, for carrying out section 317C of the Public Health Service Act (42 U.S.C. 247b–4(a)).

SEC. 31041. FUNDING FOR MOTHERS, PREGNANCY RISK ASSESSMENT MONITORING SYSTEM.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out section 317K of the Public Health Service Act (42 U.S.C. 247b–12(a)) to promote community engagement in maternal mortality review committees to increase the diversity of a committee’s membership with respect to race and ethnicity, location, and professional background.

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

(1) Expanding the Surveillance for Emerging Threats to Mothers and Babies by the Secretary, in coordination with the Centers for Disease Control and Prevention.
(2) Conducting the Surveillance for Emerging Threats to Mothers and Babies activities of the Centers for Disease Control and Prevention.
(3) Partnering with more State, Tribal, territorial, and local public health programs in the collection and analysis of clinical data on the impact of pregnancy and postpartum patients and newborns, particularly among patients from racial and ethnic minority groups.
(4) Establishing regionally based centers of excellence to provide technical assistance and other knowledge (in coordination with State and Tribal public health authorities) to support the needs of pregnant and postpartum patients and newborns who care and support their needs.

SEC. 31042. FUNDING FOR THE SURVEILLANCE FOR EMERGING THREATS TO MOTHERS AND BABIES.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until expended, for carrying out section 317C of the Public Health Service Act (42 U.S.C. 247b–4(a)) to promote community engagement in maternal mortality review committees to increase the diversity of a committee’s membership with respect to race and ethnicity, location, and professional background.

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

(1) Expanding the Surveillance for Emerging Threats to Mothers and Babies activities of the Centers for Disease Control and Prevention.
(2) Conducting the Surveillance for Emerging Threats to Mothers and Babies activities of the Centers for Disease Control and Prevention.
(3) Partnering with more State, Tribal, territorial, and local public health programs in the collection and analysis of clinical data on the impact of pregnancy and postpartum patients and newborns, particularly among patients from racial and ethnic minority groups.
(4) Establishing regionally based centers of excellence to provide technical assistance and other knowledge (in coordination with State and Tribal public health authorities) to support the needs of pregnant and postpartum patients and newborns who care and support their needs.
SEC. 31048. FUNDING FOR ANTIDISCRIMINATION AND BIAS TRAINING.
(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for the purposes described in subsection (b).
(b) USE OF FUNDS.—The Secretary shall, with a focus on maternal health providers, use amounts appropriated under subsection (a) to carry out programs to develop and conduct or support national nonprofit organizations focused on improving health equity, accredited schools of medicine or nursing, and other health professional programs to develop continuous training on biased or discriminatory practices and attitudes that impact health care and health outcomes.

PART 4—OTHER PUBLIC HEALTH INVESTMENTS

SEC. 31051. FUNDING FOR MENTAL HEALTH AND SUBSTANCE USE DISORDER PROFESSIONALS.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for purposes of carrying out section 597 of the Public Health Service Act (42 U.S.C. 290bb–2) with respect to strengthening recovery community organizations and their statewide network of recovery service providers.

SEC. 31052. FUNDING TO SUPPORT PEER RECOVERY SPECIALISTS.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until expended, for carrying out section 350 of the Public Health Service Act (42 U.S.C. 290bb–3) with respect to enhancing wellness and promoting recovery education.

SEC. 31054. FUNDING FOR THE NATIONAL SUICIDE PREVENTION LIFELINE.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $75,000,000, to remain available until expended, for advancing infrastructure for the National Suicide Lifeline program under section 520A of the Public Health Service Act (42 U.S.C. 290bb–32) with respect to advancing wellness and promoting recovery education.

SEC. 31055. FUNDING FOR COMMUNITY VIOLENCE AND TRAUMA INTERVENTIONS.
(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until expended, for the purposes described in subsection (b).
(b) USE OF FUNDING.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, and in consultation with the Assistant Secretary for Mental Health and Substance Use, the Administrator of the Health Resources and Services Administration, the Deputy Assistant Secretary for Minority Health, and the Assistant Secretary for the Administration for Children and Families, shall use amounts appropriated under this subsection to support public health-based interventions to reduce community violence and trauma, taking into consideration the needs of communities with high rates of, and prevalence of risk factors associated with, violence-related injuries and deaths, by—
(1) awarding competitive grants or contracts to local governmental entities, States, territories, Indian Tribes, and Tribal organizations, Urban Indian Organizations, hospital networks, and community-based organizations, culturally specific organizations, victim services providers, or other entities as determined by the Secretary (or consortia of such entities) focused on trauma-informed, culturally competent, and developmentally appropriate strategies to reduce community violence, including outreach and conflict mediation, hospital-based violence intervention programs, and services for victims and individuals and communities at risk for experiencing violence, such as trauma-informed mental health care and counseling, social-emotional learning and school-based mental health services, workforce development services, and other services that prevent or mitigate the impact of trauma, build appropriate skills, or promote resilience; and
(2) supporting training, technical assistance, research, evaluation, public health surveillance systems, data collection, and coordination among relevant partners to facilitate support for strategies to reduce community violence and ensure safe and healthy communities.

(c) SUPPLEMENT, NOT SUPPLANT.—Amounts appropriated under this section shall be used to supplement and not supplant any Federal, State, or local funding otherwise made available for the purposes described in this section.

SEC. 31056. FUNDING FOR THE NATIONAL CHILD TRAUMATIC STRESS NETWORK.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until expended, for carrying out section 382 of the Public Health Service Act (42 U.S.C. 290hh–1) with respect to addressing the problem of high-risk or medically underserved persons who experience violence-related stress.

SEC. 31057. FUNDING FOR HIV HEALTH CARE SERVICES PROGRAMS.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for necessary expenses for modifications to existing contracts, and supplements to existing grants and cooperative agreements under parts A, B, C, and D of title XXVI of the Public Health Service Act and section 292(a) of such Act (42 U.S.C. 300f–111(a)).

SEC. 31058. FUNDING FOR CLINICAL SERVICES DEVELOPMENT PROJECT.
In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until expended, for carrying out title XXIX of the Public Health Service Act.

SEC. 31060. FUNDING TO INCREASE RESEARCH CAPACITY AT CERTAIN INSTITUTIONS.
(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,300,000,000, to remain available until expended, for the purposes described in subsection (b).
(b) USE OF FUNDS.—The Secretary, through the Director of the National Institutes of Health, shall use amounts made available under subsection (a) to—
(1) maintain and expand programs to increase research capacity at minority-serving institutions (as described in section 371 of the Higher Education Act of 1965 (20 U.S.C. 1067q)), including by supporting the Path to Excellence and Innovation program of the National Institutes of Health; and
(2) support centers of excellence under sections 4642–4 and 736 of the Public Health Service Act (42 U.S.C. 281–1, 293);
(c) S UPPLEMENT, N OT SUPPLANT.—Amounts made available under this section shall be used to supplement and not supplant any Federal, State, or local funding otherwise made available for the purposes described in subsection (b).

SEC. 31061. FUNDING FOR RESEARCH RELATED TO DEVELOPMENTAL DELAYS.
(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,900,000, to remain available until expended, for the purpose described in subsection (b).
(b) USE OF FUNDS.—The Secretary, through the Director of the National Institutes of Health, shall use amounts appropriated by subsection (a) to conduct or support research related to developmental delays, including speech and language delays in infants and toddlers, characterizing speech and language development and outcomes in infants and toddlers through early adolescence. Such research shall include studies, including longitudinal studies, conducted or supported by the National Institute on Deafness and Other Communication Disorders, the Eunice Kennedy Shriver National Institute of Child Health and Human Development, and other relevant institutes and centers of the National Institutes of Health.

SEC. 31062. SUPPLEMENTAL FUNDING FOR THE WORLD TRADE CENTER HEALTH PROGRAM.
(a) IN GENERAL.—Title XXXIII of the Public Health Service Act is amended by adding at the end the following:

SEC. 3352. SUPPLEMENTAL FUND.
“(a) IN GENERAL.—There is established a fund to be known as the World Trade Center Health Program Supplemental Fund (referred to in this section as the ‘Supplemental Fund’), consisting of amounts deposited into the Supplemental Fund under subsection (b).
“(b) AMOUNT.—Out of any money in the Treasury not otherwise appropriated, there is appropriated for fiscal year 2022, $2,860,000,000, for deposit into the Supplemental Fund, which amounts shall remain available through fiscal year 2022.

SEC. 3353. USE OF FUNDS.
“(c) USE OF FUNDS.—Amounts deposited into the Supplemental Fund under subsection (b) shall be available, without further appropriations or regard to the remaining limitation under section 3351(c), to the WTC Program Administrator as needed at the discretion of...
such Administrator for carrying out any provision in this title, including sections 3303 and 3314(c).

(1) RETURN OF FUNDS.—Any amounts that remain unobligated in the Native Hawaiian Health Care Improvement Act Fund on September 30, 2031, shall be deposited into the Treasury as miscellaneous receipts.

(b) INFORMAL AMENDMENTS.—Title XXXIII of the Public Health Service Act is amended—

(1) in section 3311(a)(2)(B)(ii) (42 U.S.C. 300mm–21(a)(2)(B)(ii)), by striking "section 3351" and inserting "sections 3351 and 3352'';

(2) in section 3321(a)(3)(B)(ii) (42 U.S.C. 300mm–31(a)(3)(B)(ii)), by striking "section 3351" and inserting "sections 3351 and 3352'';

(3) in section 3331 (42 U.S.C. 300mm–41) (b) (A) in paragraph (2), by inserting ''or as

(3) defined in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711));

(2) a Native Hawaiian health care system (as defined in section 12 of that Act (42 U.S.C. 11711));

(3) a Native Hawaiian organization (as defined in section 12 of that Act (42 U.S.C. 11711));

(4) a consortium of 2 or more entities described in paragraphs (1) through (3).

(2) Effect.—The term "Papa Ola Lokahi" to support services described in paragraphs (1) through (3).

(c) WEAVER OF CERTAIN RESTRICTIONS.—Subsections (e) and (f)(4) of section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11706(c), 11706(f)(4)) shall not apply to grants made under the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11706). The term "Native Hawaiian health care system" has the meaning given in section (e) and (f)(4) thereof.

(2) the employees of a Native Hawaiian health care system that receives a grant from or enters into a contract with the Secretary under section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11706) to—

(1) a Native Hawaiian health care system that receives a grant from or enters into a contract with the Secretary under section 6 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11706) to carry out the duties and responsibilities of the Assistant Secretary with respect to carrying out the duties and responsibilities of the Assistant Secretary for communications and Information Administration (47 U.S.C. 322).

(2) EFFECTIVE DATE.—For purposes of subsection (a), each reference to December 22, 1987, and the reference to the date of enactment of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5321(d)) shall be deemed to be a reference to the date of enactment of this section.

(c) SUNSET.—This section shall cease to have effect on October 1, 2031.

PART 5—NATIVE HAWAIIAN PROVISIONS

SEC. 31011. NATIVE HAWAIIAN HEALTH CARE SYSTEM

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated, $9,000,000, to remain available until September 30, 2030, to establish a 16-member Public Safety Next Generation 9–1–1 Advisory Board, consisting of public safety officials and 9–1–1 professionals from diverse backgrounds and with the necessary technical expertise, to provide recommendations to the Assistant Secretary with respect to carrying out the duties and responsibilities of the Assistant Secretary related to Next Generation 9–1–1, including with respect to the grant program established under section 31101.

SEC. 31014. DEFINITIONS.

In this title:

(1) 9–1–1 FEE OR CHARGE.—The term "9–1–1 fee or charge" has the meaning given in section 615a–1(f)(4)(D) of the Communications Act of 1934 (47 U.S.C. 615a–1(f)(4)(D)).

(2) ASSISTANT SECRETARY.—The term "Assistant Secretary" means the Assistant Secretary for Communications and Information.

(2) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $224,000,000, to remain available until September 30, 2030, to administer this section.

(b) USE OF FUNDS.—An eligible entity may use grant funds received under this section for—

(1) reasonable costs associated with planning, implementation, and development activities, including such activities related to the grant application process;

(2) deployment, operation, and maintenance of interoperable and reliable Next Generation 9–1–1, including ensuring the cybersecurity of Next Generation 9–1–1; and

(3) training of personnel related to Next Generation 9–1–1.

(c) CLAWBACK.—The Assistant Secretary shall recover any amounts of the grant funds made available to an eligible entity under this section if—

(1) the eligible entity uses the funds for any other purpose than those set forth in subsection (b);

(2) the eligible entity fails to establish a funding mechanism for Next Generation 9–1–1 sufficiently to cover operations and upgrade costs within 3 years of the establishment of the grant program; or

(4) the eligible entity engages in the diversion of any 9–1–1 fee or charge imposed by the eligible entity; or

(2) the eligible entity uses funds to purchase, rent, or otherwise appropriate $1,000,000, to remain available until September 30, 2030, for the establishment of a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and strategies to detect and prevent cybersecurity intrusions relating to, Next Generation 9–1–1.

SEC. 31103. PUBLIC SAFETY NEXT GENERATION 9–1–1 CYBERSECURITY CENTER.

In addition to amounts otherwise available, there is appropriated to the National Telecommunications and Information Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,000,000, to remain available until September 30, 2030, for the establishment of a Next Generation 9–1–1 Cybersecurity Center to coordinate with State, local, and regional governments on the sharing of cybersecurity information about, the analysis of cybersecurity threats to, and strategies to detect and prevent cybersecurity intrusions relating to, Next Generation 9–1–1.

SEC. 31104. DEFINITIONS.

In this title:

(1) 9–1–1 FEE OR CHARGE.—The term "9–1–1 fee or charge" has the meaning given in section 615a–1(f)(4)(D) of the Communications Act of 1934 (47 U.S.C. 615a–1(f)(4)(D)).

(3) COMMONLY ACCEPTED STANDARDS.—The term "commonly accepted standards" means the standards or specifications of any of the organizations industry for network, device, and Internet Protocol connectivity that—
(A) ensure interoperability by enabling emer-
gency communications centers to receive, proc-
есс, and analyze all types of 9–1–1 requests for emergency assistance (including multimedia and data) and share such requests with other emer-
gency communications centers and emergency response providers without the need for propri-
etary interfaces and regardless of jurisdiction, equipment, connected devices for free or at a low cost to an eligible household.

(E) ELIGIBLE HOUSEHOLD.—The term "eligible household" means a household in which—

(1) at least one member of the household
meets the qualifications for the Lifeline program,
(2) at least one member of the household
receives assistance through the special supple-
mental nutritional program for women, infants,
and children.

(b) CONNECTED DEVICE GRANT PROGRAM.—

(1) DEFINITIONS.—In this section:

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

(2) CONNECTED DEVICE.—The term “connected
device” means any of the following devices that
meets minimum standards established by the As-

Assistant Secretary:

(A) a WiFi-enabled desktop computer;

(B) a WiFi-enabled laptop computer;

(C) a WiFi-enabled tablet computer.

(2) USE OF FUNDS.—In addition to amounts
otherwise available, there is appropriated to the
Assistant Secretary that makes available con-

ected devices for free or at a low cost to an eli-
gible household.

(3) CLAWBACK.—If a connected device distri-
bution program is found to have used grant
funds awarded under this section in a manner not permitted under this section or is found to have otherwise violated a requirement under this section, the Assistant Secretary shall remand to the boards some of the grant funds awarded to the program.

**Subtitle L—Distance Learning**

SEC. 31301. ADDITIONAL SUPPORT FOR DISTANCE LEARNING.

(a) Appropriation.—In addition to amounts otherwise available, there is appropriated to the Emergency Connectivity Fund established under subsection (c)(1) of section 1402 of the American Rescue Plan Act of 2021 (Public Law 117–2) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2023, to provide funding for preK–12 schools and districts to provide, purchase, install, or disseminate connected devices and Internet service to students, as defined in section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1651).

**Subtitle M—Manufacturing Supply Chain and Tourism**

SEC. 31401. MANUFACTURING SUPPLY CHAIN RESILIENCE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $47,500,000, to remain available until September 30, 2024, to the Secretary of Commerce, to support the resilience of manufacturing supply chains affected by natural disasters and promote macroeconomic stability.

(b) Administration.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,500,000, to remain available until September 30, 2027, to the Secretary of Commerce for administrative costs associated with providing grants under subsection (a).

(c) Data on Domestic Travel and Tourism.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000, to remain available until September 30, 2027, to the Secretary of Commerce to support the marketing of travel and tourism in the United States, including the impact of the COVID–19 pandemic on domestic travel and tourism.

**Subtitle N—FTC Privacy Enforcement**

SEC. 31501. FEDERAL TRADE COMMISSION FUNDING FOR A PRIVACY BUREAU AND RELATED EXPENDITURES.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000,000, to remain available until September 30, 2023, to the Federal Trade Commission to create and operate a bureau, including by hiring and retaining technologists, user experience designers, and other experts as the Commission considers appropriate, to accomplish its work related to unfair or deceptive acts or practices relating to privacy, data security, identity theft, data abuses, and related matters.

SEC. 31502. FEDERAL TRADE COMMISSION.

(a) Appropriation.—Sections 5(m)(1)(A) of the Federal Trade Commission Act (15 U.S.C. 45(m)(1)(A)) is amended—

(1) by inserting “This Act’s prohibition of unfair or deceptive acts or practices or” after “violates” the first time it appears;

(2) by inserting “a violation of this Act or” after “unfair or deceptive”.

(b) Administration.—The Federal Trade Commission established under title 42, section 1437a(a) of the United States Code shall be administered by the Secretary in this title, and shall include lead applicants and joint applicants, as follows:

(1) Lead Applicants.—A lead applicant shall be a nonprofit organization, a public housing agency, or an owner of an assisted housing property.

(2) Joint Applicants.—A nonprofit organization and a for-profit developer may apply jointly as a joint applicant with such public entities specified in subparagraph (A). A local government must be a joint applicant with an owner of an assisted housing property specified in subparagraph (A).

(c) Data on Domestic Travel and Tourism.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2023, for the costs of administering and overseeing the implementation of this section and the Public Housing Capitation Grant program generally, including information technology, financial reporting, research and evaluation, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(d) $50,000,000, to remain available until September 30, 2023, to make new awards or increase prior awards to existing technical assistance providers to provide an increase in capacity building and technical assistance available to eligible for economic development projects or other projects consistent with this section.

**Terms and Conditions for Section 24 Grants.**—Grants awarded under subsection (a)(3) shall be subject to terms and conditions determined by the Secretary, which shall include the following:

(1) Lead Applicants.—A lead applicant shall be an entity that administers, a public housing agency, or an owner of an assisted housing property.

(2) Joint Applicants.—A nonprofit organization and a for-profit developer may apply jointly as a joint applicant with such public entities specified in subparagraph (A). A local government must be a joint applicant with an owner of an assisted housing property specified in subparagraph (A).

(3) Period of Affordability.—Grantees shall commit to a period of affordability determined by the Secretary of not fewer than 20 years, but the Secretary may specify a period of affordability that is fewer than 20 years with respect to homeownership units developed with section 24 grants.

(4) Environmental Review.—For purposes of environmental review, a grantee shall be treated as a public housing agency under section 26 of the United States Housing Act of 1937 (42 U.S.C. 1437a).

(5) Low-Income and Affordable Housing.—Amounts made available under this section shall be used for low-income housing (as such term is defined in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b))), HUD-assisted housing, and affordable housing, including 120 percent of area median income and is subject to the period of affordability under paragraph (3) of this subsection.

**Other Terms and Conditions.**—Grants awarded under this section shall be subject to the following terms and conditions:

(1) Limitation.—Amounts provided pursuant to this section may not be used for operating costs or rental assistance.

(2) Development of New Units.—Paragraph (3) of section 9(g) of the United States Housing Act of 1937 (42 U.S.C. 1437g(3)) shall not apply to new funds made available under this section.

(3) Health and Safety.—Amounts made available under this section shall be used to address health, safety, and environmental hazards, including lead, fire, carbon monoxide, mold, asbestos, radon, pest infestation, and other hazards as defined by the Secretary.

(4) Energy Efficiency and Resilience.—Amounts made available under this section shall be used for energy and water efficiency or climate and disaster resilience in housing assisted under this section.

(5) Recapture.—If the Secretary determines that an assisted housing property has been subject to activity by an owner or entity administering the assistance that has not been for the benefit of the residents of the property, the Secretary may require the owner or entity to repay money provided under this section.

(6) JOBS and GROWTH.**—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2023, for projects consistent with this section.

**Title IV—Committee on Financial Services**

Subtitle A—Creating and Preserving Affordable, Equitable and Accessible Housing for the 21st Century

SEC. 40001. PUBLIC HOUSING INVESTMENTS.

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

(1) $10,000,000,000, to remain available until September 30, 2023, for the Capital Fund under section 9(d) of the United States Housing Act of 1937 (42 U.S.C. 1437d(p)) pursuant to the same formula as in fiscal year 2021, to be made available within 60 days of the date of the enactment of this Act;

(2) $53,000,000,000, to remain available until September 30, 2026, for eligible activities under section 21 of the United States Housing Act of 1937 (42 U.S.C. 1437d(q)(1)) for priority investments as determined by the Secretary to repair, replace, or construct properties assisted under such section; and

(3) $1,200,000,000, to remain available until September 30, 2026, for competitive grants under section 24 of the United States Housing Act of 1937 (42 U.S.C. 1437d(l)) (as referred to in section 24), under the terms and conditions in subsection (b), for transformation, rehabilitation, and replacement housing needs of public housing agencies, to address the needs of transform mixed-income neighborhoods of poverty into functioning, sustainable mixed-income neighborhoods;
available under subsection (a)(2), and shall be obligated by the Secretary prior to the expiration of
such Appropriations.
(6) SUPPLEMENT OF FUNDS.—The Secretary may waive or specify alternative requirements under sections 220
through 222 or (a)(2) or regulation for the administration of
this Act.
(7) WAIVERS AND ALTERNATIVE REQUIREMENTS.—The Secretary may waive or specify alternate
requirements for subsection (a)(1), (d)(2), (e), and (f) of section 9 of the United States Housing Act of 1937 (42 U.S.C. 1437f) and
associated regulations in connection with the use of amounts made available under this section other than requirements related to tenant
rights and protections, fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative
requirement is necessary to facilitate the use of amounts made available under this section.
(d) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations or notices, or other guidance, forms, instructions, and
publications to carry out the programs, projects, or activities authorized under this section in a timely and effective manner.
SEC. 40003. HOUSING INVESTMENT FUND.
(1) FORMULAS.—
(A) $740,000,000 to the Department of the Treasury to make grants to provide loan loss reserves; and
(B) $10,000,000 for the costs to the CDFI Fund pursuant to this section to
make such allocations within 60 days of the enactment of this Act.
(b) ELIGIBLE GRANTEES.—A grant under this subsection shall serve to supplement amounts made available under this Act.
(c) ELIGIBLE ACTIVITIES.—Other than as provided in paragraph (3) of this subsection, funds made available under subsection (a)(2) may only be used for activities described in subsection (b) and other than as provided in paragraph (5) of this subsection or as otherwise made available under this Act.
(d) IMPLEMENTATION.—The Secretary shall allocate amounts made available under subsection (a)(2) pursuant to the formula specified in section 1338(c)(3) of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4568(c)(3)) to grantees that received Housing Trust Fund allocations pursuant to that same formula in fiscal year 2021 and shall make such allocations within 60 days of the enactment of this Act.
(e) ELIGIBLE GRANTEES.—A grant under this section may be made, pursuant to such require-
ments as the CDFI Fund shall establish, only to—
(1) a CDFI Fund certified community development financial institution, as such term is defined in section 102 of the Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702);
(2) a nonprofit organization serving as one of its principal purposes the creation, development, or preservation of affordable housing, including a subsidiary of a public housing authority; or
(3) a consortium comprised of certified community development financial institutions; eligible nonprofit housing organizations, or a combina-
tion of both.
(f) ELIGIBLE USES.—Eligible uses for grant amounts awarded from the Housing Investment Fund pursuant to this section shall be—
(1) be reasonably expected to result in eligible affordable housing activities that support or sustain affordable housing funded by a grant under this section and capital from other public and private sources; and
(2) $50,000,000 for capital advances including amendments to capital advance contracts, for supportive housing for persons with disabilities, as authorized by section 811(b)(2) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741(b)(2)) (in this section referred to as the “Act”) and subject to—
(A) a nonprofit organization having as one of its principal purposes the creation, development, or preservation of affordable housing for persons with disabilities under section 811(d)(2) of the Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1937 (42 U.S.C. 12740(h)(2)) (in this section referred to as the “Act”); and
(B) to capitalize an affordable housing mortgage fund, to facilitate the origination of mortgage loans to buyout National Affordable Housing Act
and Regulatory Improvement Act of 1994 small multifamily projects and for risk-sharing loans; and
(C) to fund rental housing operations.
(g) IMPLEMENTATION.—The CDFI Fund shall have the authority to issue such regulations, notice, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.
SEC. 40004. SECTION 811 SUPPORTIVE HOUSING FOR PEOPLE WITH DISABILITIES.
(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for the Section 811 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12741(a)-42 U.S.C. 12741(h)(4), 42 U.S.C. 8013(h)(4)-42 U.S.C. 8013(h)(5)), and 42 U.S.C. 8013(h)(6)-42 U.S.C. 8013(h)(7), for project assistance contracts under section 811(b)(2) of the Act and for project assistance contracts pursuant to section 202(h) of the Housing Act of 1937 (42 U.S.C. 12740(h)), for rental assistance to State housing finance agencies and other appropriate entities as authorized under section 811(b)(3) of the Act, for State housing finance agencies.
(b) $7,000,000 for providing technical assistance to support State-level efforts to integrate

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The Secretary may waive or specify alternative requirements for any provision of subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f (c), 1437f(bb)) upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

SEC. 40006. IMPROVING ENERGY EFFICIENCY OR WATER EFFICIENCY OR CLIMATE RESILIENCE OF AFFORDABLE HOUSING.

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

(1) $1,550,000,000 for providing direct loans, which may be forgivable, to owners of distressed properties for the purpose of making necessary physical improvements, including to subsidize gross obligations for the principal amount of direct loans in an amount not to exceed $4,000,000,000, subject to the terms and conditions in subsection (b); and

(2) $50,000,000 for the Secretary of administering and overseeing the implementation of such programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Amounts appropriated by this section shall remain available until September 30, 2029.

(b) LOAN TERMS AND CONDITIONS.—

(1) ELIGIBILITY.—Owners or sponsors of multifamily housing projects who meet each of the following requirements shall be eligible for loan assistance under this section:

(A) The multifamily housing project, including any project from which assistance has been approved to be provided, is located in a jurisdiction that is not at risk of physiological long-term harm.

(B) The actual rents received by the owner or sponsor of the distressed property would not adequately sustain the debt needed to make necessary physical improvements.

(C) The owner or sponsor meets any additional eligibility criteria as the Secretary determines to be appropriate, considering factors that contributed to the project’s deficiencies.

(2) USE OF LOAN FUNDS.—Each recipient of loan assistance under this section may only use such loan assistance to make necessary physical improvements.
Loan Availability.—The Secretary shall only provide loan assistance to an owner or sponsor of a multifamily housing project when such assistance, considered with other financial resources, will not be needed to make the necessary physical improvements.

(3) Interest Rates and Length.—Loans provided under this section shall bear interest at 1 percent and, at origination, shall have a repayment period coterminous with the affordability period established under paragraph (6), with the frequency and amount of repayments to be determined by requirements established by the Secretary.

(4) Interest Rate Caps.—The Secretary shall establish interest rate caps, determined by requirements established by the Secretary.

(5) Loan Modifications or Forgiveness.—With respect to loans provided under this section, the Secretary may take any of the following actions if the Secretary determines that doing so will preserve affordability of the project:

(A) Waive any due on sale or due on refinancing requirement.

(B) Consent to the terms of new debt to which the loans may be subordinate, even if such new debt would impact the repayment of the loans.

(C) Extend the term of the loan.

(D) Reduce the interest rate.

(E) Reduce the percentage of the loan.

(6) Extended Affordability Period.—Each recipient of loan assistance under this section shall agree to an extended affordability period for the project that shall extend the loan by extending any existing affordable housing use agreements for an additional 30 years or, if the project is not currently subject to a use agreement, the Secretary determines that a lack of financial resources qualifies a loan recipient for:

(A) A reduced contribution below 20 percent; or

(B) An exemption to the matching contribution requirement.

(8) Additional Loan Conditions.—The Secretary may establish additional conditions for loan eligibility provided under this section as the Secretary determines to be appropriate.

(9) Properties Insured by the Secretary.—In the case of any property with respect to which contributions or assistance provided under this section that has a mortgage insured by the Secretary, the Secretary may use funds available under this section as necessary to pay the costs of modifying such property.

(c) Definitions.—As used in this section:

(1) The term ‘multifamily housing project’ means a project consisting of five or more dwelling units assisted or approved to receive a transferee of service, and for which the project has sufficient resources to preserve the affordability of the project.

(2) The term ‘physical improvements’ means new construction or capital improvements to an existing multifamily housing project that the Secretary determines are necessary to address the deficiencies or that rise to a level that delaying physical improvements to the project would be detrimental to the longevity of the project as suitable housing for occupancy.

(3) The term ‘waiver’ shall mean that the Secretary may waive or reduce any of the requirements set forth in subsection (c) or (bb) of section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437(c), 1437(bb)) upon a finding that the Secretary determines is necessary to facilitate the use of amounts made available under this section.

(4) ‘Implementation.’—The Secretary shall have the authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities authorized under this section in a timely and effective manner.
(6) $300,000,000, to remain available until September 30, 2031, for the costs to the Secretary of administering and overseeing the implementation of this section and the Housing Choice Voucher program, including grants to public housing authorities, technical assistance, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary, and other costs; and

(7) $70,000,000, to remain available until September 30, 2031, for making new awards or increases to existing technical assistance providers to enhance the use of resources available to public housing agencies.

(b) ELECTION TO ADMINISTER .—The Secretary shall establish a procedure for public housing agencies to accept or decline the incremental voucher assistance under subsection (a)(1) and (a)(2) for each fiscal year beginning in 2022 and ending in 2026 in accordance with a formula or formulas that includes measures of severe housing need among extremely low-income renters and public housing agency capacity, and ensures geographic diversity among public housing agencies administering the Housing Choice Voucher program.

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

SEC. 40010. PROJECT-BASED RENTAL ASSISTANCE .

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

(1) $800,000,000 for the project-based rental assistance program, as authorized under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)), (in this section referred to as the “Act”), subject to the terms and conditions of subsection (b) of this section;

(2) $20,000,000 for technical assistance to recipients of or applicants for project-based rental assistance or to States allocating the project-based rental assistance; and

(3) $190,000,000 to carry out section 8 project-based rental assistance program generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

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

(b) USE OF FUNDS.—Public housing agencies may use funds received under this section for activities listed in subsection (a)(1) for the agency’s voucher renewal allocations and may reissue any unleased vouchers and associated funds, which may include administrative fees and amounts allocated under subsections (a)(2) and (a)(4), to other public housing agencies.

(c) LIMITATION ON THE NUMBER OF AUTHORIZED UNITS.—The Secretary shall allocate project-based rental assistance under section 8(b) of the United States Housing Act of 1937 (42 U.S.C. 1437f(b)) (in this section referred to as the “Act”), subject to the terms and conditions of subsection (b) of this section.

(d) CONTRACT TERMINATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development (in this section referred to as the “Secretary”) for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $277,500,000 for formula grants for eligible affordable housing activities described in section 202 of the Native American Housing Assistance and Self-Determination Act of 1996 (in this section referred to as “NAHASDA”) (25 U.S.C. 4213), which shall be distributed according to the most recent fiscal year funding formula for the Indian Housing Block Grant; and

(2) $200,000,000 for—

(A) affordable housing activities authorized under section 801(a) of NAHASDA (25 U.S.C. 4213); and

(B) community-wide infrastructure and infrastructure improvement projects carried out on and off Hawaiian Home Lands, out of any money in the Treasury not otherwise appropriated—

(1) $377,300,000 for formula grants for eligible affordable housing activities described in section 202 of NAHASDA (25 U.S.C. 4213) on and off Hawaiian Home Lands; and

(2) $27,500,000 for competitive grants for eligible affordable housing activities described in section 202 of NAHASDA (25 U.S.C. 4213); and

(3) $200,000,000 for—

(A) competitive single-purpose Indian community development block grants for Indian tribes; and

(B) imminent threat Indian community development block grants, including for long-term emergency needs due to threats of genocide, tribal neglect, or collapse of Indian tribes, or a tribal organization, governmental entity, or nonprofit organization designated by the Indian tribe to apply for a grant on its behalf.

(5) $25,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and Indian and Native Hawaiian programs administered by the Secretary, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(6) $20,000,000 to make new awards or increase prior awards to technical assistance providers to provide an immediate increase in capacity building and technical assistance to grantees.

(h) HOMELESS WAIVER AUTHORITY.—In administering the voucher assistance targeted for households experiencing or at risk of homelessness, survivors of domestic violence, dating violence sexual assault, and stalking, and survivors of trafficking under subsection (a)(2), the Secretary may, upon a finding that a waiver or alternative requirement is necessary to facilitate the use of such assistance, waive or specify alternative requirements for—

(A) section 8(o)(8)(B)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(7)(A)) and regulatory provisions related to the initial lease term;

(B) section 8(o)(8)(B)(i) of the United States Housing Act of 1937 (42 U.S.C. 1437f(t)(7)(B)) and regulatory provisions related to the establishment of payment standards; and

(C) regulatory provisions related to the establishment of payment standards.

(i) ALLOCATION.—The Secretary shall allocate initial incremental assistance provided for rental assistance under subsection (a)(1) and (a)(2) for each fiscal year beginning in 2022 and ending in 2026 in accordance with a formula or formulas that includes measures of severe housing need among extremely low-income renters and public housing agency capacity, and ensures geographic diversity among public housing agencies administering the Housing Choice Voucher program.

(j) ELECTION TO ADMINISTER.—The Secretary shall establish a procedure for public housing agencies to accept or decline the incremental voucher assistance under subsection (a)(1) and (a)(2) in each fiscal year beginning in 2022 and ending in 2026 in accordance with a formula or formulas that includes measures of severe housing need among extremely low-income renters and public housing agency capacity, and ensures geographic diversity among public housing agencies administering the Housing Choice Voucher program.

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

SEC. 40011. INVESTMENTS IN NATIVE AMERICAN COMMUNITIES.

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

(1) $277,500,000 for formula grants for eligible affordable housing activities described in section 202 of NAHASDA (25 U.S.C. 4213); and

(2) $200,000,000 for—

(A) affordable housing activities authorized under section 801(a) of NAHASDA (25 U.S.C. 4213); and

(B) community-wide infrastructure and infrastructure improvement projects carried out on and off Hawaiian Home Lands, out of any money in the Treasury not otherwise appropriated—

(1) $377,300,000 for formula grants for eligible affordable housing activities described in section 202 of NAHASDA (25 U.S.C. 4213) on and off Hawaiian Home Lands; and

(2) $27,500,000 for competitive grants for eligible affordable housing activities described in section 202 of NAHASDA (25 U.S.C. 4213); and

(3) $200,000,000 for—

(A) competitive single-purpose Indian community development block grants for Indian tribes; and

(B) imminent threat Indian community development block grants, including for long-term emergency needs due to threats of genocide, tribal neglect, or collapse of Indian tribes, or a tribal organization, governmental entity, or nonprofit organization designated by the Indian tribe to apply for a grant on its behalf.

(5) $25,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and Indian and Native Hawaiian programs administered by the Secretary, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs; and

(6) $20,000,000 to make new awards or increase prior awards to technical assistance providers to provide an immediate increase in capacity building and technical assistance to grantees.
Amounts appropriated by this section shall remain available until September 30, 2031.

(b) REALLOCATION.—Amounts made available under subsection (a)(1) that are not accepted within 60 days of the enactment of this Act by the Secretary, or are not otherwise obligated and encumbered under this Act that remain unobligated or unencumbered until September 30, 2031, or are otherwise recaptured for any reason shall be used to fund grants under paragraph (3) or (4) of subsection (a).

(c) WAIVERS.—Amounts provided under this Act that remain unobligated and unencumbered under this Act that remain unobligated and unencumbered until September 30, 2031, or are otherwise recaptured for any reason may not be used as a basis to reduce any grant allocation under section 302 of NAHASDA (25 U.S.C. 4152) to any Indian tribe in any fiscal year.

(d) PROHIBITION ON INVESTMENTS.—Amounts made available under this section may not be invested in investment securities and other obligations.

(e) WAIVERS.—With respect to amounts made available under this section, the Secretary may, upon a finding that a waiver or alternative requirement is necessary to facilitate the use of such amounts, waive or specify alternative requirements for any Indian housing block grants, Native Hawaiian housing block grants, or Indian community development block grants issued pursuant to this section, other than requirements related to fair housing, nondiscrimination, labor standards, and the environment.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or guidance, forms, instructions, and publications to carry out the purposes, projects, or activities authorized under this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40102. INCREASED AFFORDABLE HOUSING PROGRAM INVESTMENT.

Notwithstanding subsection (j)(3)(C) of section 10 of the Housing and Urban Development Act (42 U.S.C. 1438), in 2022 and every year thereafter until 2027, each Federal Home Loan Bank shall annually contribute 15 percent of the preceding year's net income of the Federal Home Bank, or such portion of the income that may be required by the Secretary to the aggregate contribution of the Federal Home Loan Banks shall not be less than $100,000,000 for each such year, to support grants or subsidized advances through the Affordable Housing Programs established and carried out under subparagraphs ((1)), (2), (3)(A), (3)(C), and (4) and through (13) of section 10 of such Act.

Subtitle B—21st Century Sustainable and Equitable Communities

SEC. 40101. COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM—AFFORDING HOUSING, HOUSING-RELATED INFRASTRUCTURE, AND EQUITY.
(3) $1,000,000,000 for grants to owners of a property receiving project-based rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f), including under such section, assistance for units, that meets the definition of target housing and that has not received a grant for similar purposes under this Act, for the activities in subsection (c), except that lead-based paint, lead-based paint hazards, and housing-related health and safety hazards, research, and evaluation; and

(4) $75,000,000 for costs related to training and technical assistance to support identification and mitigation of lead and housing-related health and safety hazards, research, and evaluation; and

(5) $250,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section, and the Secretary’s lead hazard reduction and related programs generally including information technology, financial reporting, research and evaluation, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

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

(b) CONDITIONS—

(1) INCOME ELIGIBILITY DETERMINATIONS.—

The Secretary may make income determinations of eligibility for enrollment of housing units for assistance thereunder that are consistent with eligibility requirements for grants awarded under other Federal means-tested programs, provided such determination does not require additional action by other Federal agencies.

(2) HOUSING FAMILIES WITH YOUNG CHILDREN.—An owner of rental property that receives assistance under subsection (a)(3) shall give preference to units for which lead-based paint has been abated pursuant to subsection (a)(3), for not less than 3 years following the completion of the abatement work, to families with a child under the age of 6 years.

(3) ADMINISTRATIVE EXPENSES.—A recipient of a grant under this section may use up to 10 percent of the grant for administrative expenses associated with the activities funded by this section.

(4) ELIGIBLE ACTIVITIES.—Grants awarded under this section shall be used for purposes of building capacity and conducting activities relating to testing, evaluating, and mitigating lead-based paint hazards, and housing-related health and safety hazards; outreach, education, and engagement with community stakeholders, including stakeholders in disadvantaged communities; developing and evaluating local or regional plans; and research; grant administration, and other activities that directly or indirectly support the work under this section, as applicable, that without which such activities could not be conducted.

(5) DEFINITIONS.—For purposes of this section, the following definitions, and definitions in paragraphs (1), (2), (3)(g), (3)(i), (3)(m), (3)(n), (3)(p), (3)(s), (3)(t), (3)(u), (3)(v), (3)(w), (3)(x), (3)(y), (3)(z), (3)(aa), (3)(bb), and (3)(cc), shall apply:

(A) NONPROFIT; NONPROFIT ORGANIZATION.—The terms "nonprofit," "nonprofit organization," and "nonprofit entity" mean a corporation, charitable organization, community chest, fund, or foundation not organized for profit, but organized and operated exclusively for religious, educational, scientific, testing for public safety, literary, or educational purposes; or an organization not organized for profit but operated exclusively for the promotion of social welfare.

(B) PUBLIC HOUSING; PUBLIC HOUSING AGENCY; LOW-INCOME FAMILY.—The terms "public housing," "public housing agency," and "low-income family" mean each term as defined in subsection (b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) STATE; UNIT OF GENERAL LOCAL GOVERNMENT.—The terms "State" and "unit of general local government" have the same meaning given such terms in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(e) GRANT COMPLIANCE.—For any grant of assistance under this section, a State or unit of general local government may assume responsibilities for the applicable element of grant compliance for grants for which it is the recipient under section 1011 of the Residential Lead-Based Paint Hazard Reduction Act of 2001.

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

SEC. 40103. UNLOCKING POSSIBILITIES PROGRAM.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, for the purposes of this section, and the Secretary’s lead-based paint, lead-based paint hazards, and housing-related health and safety hazards, research, and evaluation; and

(b) PROGRAM ESTABLISHMENT.—The Secretary shall coordinate with the Federal Transit Administrator in carrying out this section.

(c) DEFINITIONS.—For purposes of this section, the following definitions apply:

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

(A) a State, insular area, metropolitan city, or county, as such terms are defined in section 102 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705); or

(B) a housing authority, or other entity, that—

(i) administers—

(I) a public housing program over a wide area; (II) the administration and provision of rental assistance under section 8 of the United States Housing Act of 1937 (42 U.S.C. 1437f); (III) the administration of a State or local housing assistance program; or (IV) both (I) and (II); and

(ii) in the case of an eligible entity that administers a public housing program, has the primary obligation for meeting the obligations of the public housing agency under section 103(i) of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705); and

(2) PUBLIC HOUSING; PUBLIC HOUSING AGENCY; LOW-INCOME FAMILY.—The terms "public housing," "public housing agency," and "low-income family" mean each term as defined in subsection (b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(3) HUMAN SERVICE ORGANIZATION.—The term "human service organization" has the meaning given in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(4) ADMINISTRATIVE EXPENSES.—A recipient of a grant under title II of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) shall use not more than 10 percent of the grant for administrative expenses as otherwise authorized by the Secretary, for the purposes of this section.

(5) RESEARCH AND EVALUATION.—The term "research and evaluation" has the meaning given in section 3(b) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)).

(6) HOUSING PLAN; HOUSING STRATEGY.—

(A) DEVELOPMENT.—The term "housing plan" means—

(i) a plan that meets the requirements of section 102 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705); or

(ii) a plan that meets the requirements of section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302); or

(B) HOUSING STRATEGY.—The term "housing strategy" means—

(i) a plan that meets the requirements of section 102 of the Cranston-Gonzalez National Affordable Housing Act (42 U.S.C. 12705); or

(ii) a plan that meets the requirements of section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302); or

(c) USE OF GRANTS.—The Secretary shall use grants awarded under this section for the following purposes:

(1) PLANNING GRANTS.—A grant awarded under this paragraph shall be used for the purpose of preparing a housing plan or a housing strategy, or both, that—

(A) develops a competitive basis for eligible entities to assist in the planning of such activities, engagement with community stakeholders and housing practitioners, to—
(1) IN GENERAL.— Except as otherwise provided by this section, amounts appropriated or otherwise made available under this section shall be subject to the community development block grant requirements described in subsection (a)(1).

(2) EXCEPTIONS.— (A) HOME CONSTRUCTION.—Expenditures on new construction of housing shall be an eligible expense under this section.

(B) BUILDINGS FOR GENERAL CONDUCT OF GOVERNMENT.—The Administrator may make grants for the general conduct of government, other than the Federal Government, shall be eligible under this section when necessary and appropriate as a part of a natural hazard mitigation project.

(h) WAIVERS.—The Secretary may waive or specify alternative requirements for any provision of subsection (a)(1) or regulation for the administration of the amounts made available under this section other than requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is not inconsistent with the overall purposes of such Act and that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under subsection (a)(1).

(i) IMPLEMENTATION.—The Secretary shall have the authority to issue such regulations, rules, or other guidance, forms, instructions, and publications as are necessary to implement this section, including in an efficient, effective, and timely manner.

SEC. 40104. NATIONAL FLOOD INSURANCE PROGRAM ACTIVITIES.

(a) NFIP PROGRAM ACTIVITIES.—

(1) CANCELLATION.—All indebtedness of the Administrator of the Federal Emergency Management Agency under any notes or other obligations to any person arising under the National Flood Insurance Act of 1968 (42 U.S.C. 4016(a) and section 15e of the Federal Insurance Act of 1968 (42 U.S.C. 2414(e)), and outstanding as of the date of the enactment of this Act, is hereby cancelled, the Administrator and the National Flood Insurance Fund are relieved of all liability under any such notes or other obligations, including any capitalized interest, and any other fees and charges payable in connection with such notes and obligations.

(2) SAVINGS FOR FLOOD MAPPING.—In addition to amounts otherwise available, for each of fiscal years 2022 and 2023, an amount equal to the interest the National Flood Insurance Fund is required to forego in carrying the canceled debt under paragraph (1) in that fiscal year, which shall be derived from off-setting amounts collected under section 1310(d) of the National Flood Insurance Act of 1968 (42 U.S.C. 4017(d)) and shall remain available until expended for activities identified in section 10216(b)(11)(A) of the Biggert-Waters Flood Insurance Reform Act of 2012 (42 U.S.C. 4010(b)(1)(A)) and related salaries and administrative expenses.

(b) GRANTS AND ASSISTANCE FOR NATIONAL FLOOD INSURANCE PROGRAM POLICYHOLDERS.—

(1) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Community Restoration and Revitalization Fund established under subsection (b) for fiscal year 2022, out of any money in the Treasury not otherwise available, $2,000,000,000 to remain available until September 30, 2023.

(2) $2,000,000,000 for awards for planning and implementation grants under section 101, 102, 103, 104(a) through (104)(i), (104)(j), (104)(k), and (105)a through (105)(g), (106)(a)(2), (106)(a)(4), (106)(b) through (106)(f), (109), (110), (111), (113), (115), 116, 120, and 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-1, 5304(b), 5304(c), 5304(d)-(g), 5304(e)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321), awarded on a competitive basis to eligible community land trusts and shared equity homeownership programs.

(3) $500,000,000 for planning and implementation grants under section 101, 102, 103, 104(a) through 104(i), 104(j), 104(m), 105(a) through 105(g), 106(a)(2), 106(a)(4), 106(b) through 106(f), 109, 110, 111, 113, 115, 116, 120, and 122 of the Housing and Community Development Act of 1974 (42 U.S.C. 5301, 5302, 5303, 5304(a)-1, 5304(b), 5304(c), 5304(d)-(g), 5304(e)(2), 5306(a)(4), 5306(b)-(f), 5309, 5310, 5311, 5313, 5315, 5316, 5319, and 5321), awarded on a competitive basis to eligible community land trusts and shared equity homeownership programs.

(ii) the date that is 60 months after the date of the enactment of this section.

(C) REQUIREMENT ON TIMING.—Not later than 21 months after the enactment of this section, the Administrator shall issue interim guidance to implement this subsection which shall expire on the later of—

(i) the date that is 60 months after the date of the enactment of this section; or

(ii) the date on which a final rule issued to implement this subsection.

(3) DEFINITIONS.—In this subsection:

(A) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Federal Emergency Management Agency.

(B) COVERED PROPERTY.—The term “covered property” means—

(i) A primary residential dwelling designed for the occupancy of from 1 to 4 families; or

(ii) personal property relating to a dwelling described in clause (i) or personal property in the primary residential dwelling of a renter.

(C) ELIGIBLE POLICYHOLDER.—The term “eligible policyholder” means a policyholder with a household income that is not more than 120 percent of the area median income for the area in which the property to which the policy applies is located.

(D) INSURANCE COSTS.—The term “insurance costs” means insurance premiums, fees, and surcharges charged under the National Flood Insurance Program, with respect to a covered property.

(E) NATIONAL FLOOD INSURANCE PROGRAM.—The term “National Flood Insurance Program” means the National Flood Insurance Program of the National Flood Insurance Fund established under section 1310A.

(F) PROGRAM SUPPORT.—The term “program support” means—

(i) financial requirement assistance to eligible community and economic development programs overseen by the Secretary generally, including information technology, financial research, and evaluation activities; or

(ii) other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(G) ELIGIBLE GEOGRAPHICAL AREAS, RECIPIENTS, AND APPLICANTS.—

(i) ELIGIBLE GEOGRAPHICAL AREAS.—The term “eligible geographical area” means any area designated by the Secretary as eligible to receive assistance under this section.

(ii) ELIGIBLE RECIPIENTS AND APPLICANTS.—The term “eligible recipient and applicant” means—

(A) an entity that is located in the eligible geographical area;

(B) a community housing development organization; or

(C) a community-based development organization.

(4) ELIGIBLE CONTINUITY OF SERVICE.—The term “eligible continuity of service” means the assurance of a particular entity or program’s ability to maintain community land trusts and shared equity homeownership programs, including through the acquisition, rehabilitation, and new construction of affordable housing.

(5) $400,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and community and economic development programs overseen by the Secretary generally, including information technology, financial research, and evaluation activities; or

(6) OTHER CROSS-PROGRAM COSTS.—The term “other cross-program costs” means the costs for—

(A) planning and implementation grants under this section; and

(B) $400,000,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and community and economic development programs overseen by the Secretary generally, including information technology, financial research, and evaluation activities; or

(C) ELIGIBLE GEOGRAPHICAL AREAS, RECIPIENTS, AND APPLICANTS.—The term “eligible recipient and applicant” means—

(i) an entity that is located in the eligible geographical area;

(ii) a community housing development organization; or

(iii) a community-based development organization.

(7) ELIGIBLE COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAMS.—The term “eligible community and economic development program” means a program—

(A) that is located in the eligible geographical area;

(B) that is identified by the Secretary as an eligible program.

(8) ELIGIBLE CONTINUITY OF SERVICE.—The term “eligible continuity of service” means the assurance of a particular entity or program’s ability to maintain community land trusts and shared equity homeownership programs, including through the acquisition, rehabilitation, and new construction of affordable housing.

(9) $400,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and community and economic development programs overseen by the Secretary generally, including information technology, financial research, and evaluation activities; or

(E) ELIGIBLE COMMUNITY AND ECONOMIC DEVELOPMENT PROGRAMS.—The term “eligible community and economic development program” means a program—

(A) that is located in the eligible geographical area;

(B) that is identified by the Secretary as an eligible program.

(10) ELIGIBLE CONTINUITY OF SERVICE.—The term “eligible continuity of service” means the assurance of a particular entity or program’s ability to maintain community land trusts and shared equity homeownership programs, including through the acquisition, rehabilitation, and new construction of affordable housing.
(E) a community development financial institution, as defined by section 103 of the Riegle Community Development and Regulatory Improvement Act of 1994 (12 U.S.C. 4702).

(2) JOINT APPLICANTS.—A joint applicant shall be an entity eligible to be a lead applicant in paragraph (1), or a local, regional, or national—

(A) nonprofit organization;

(B) community development financial institution;

(C) unit of general local government;

(D) Indian tribe;

(E) State housing finance agency;

(F) land bank;

(G) fair housing enforcement organization (as such term is defined in section 561 of the Housing and Community Development Act of 1987 (42 U.S.C. 3616a));

(H) public housing agency;

(I) tribally designated housing entity; or

(J) philanthropic organization.

(3) LACK OF LOCAL ENTITY.—A regional, State, or national nonprofit organization may serve as a lead entity if there is no local entity that meets the geographic requirements in paragraph (1).

(e) Uses of Funds.—

(1) IN GENERAL.—Planning and implementation grants awarded under this section shall be used to support civic infrastructure and housing-related activities, including—

(A) new construction of housing;

(B) demolition of abandoned or distressed structures, but only if such activity is part of a strategy that incorporates rehabilitation or new construction, anti-displacement efforts such as tenants’ right to return and right of first refusal to purchase, and efforts to increase affordable, accessible housing and homeownership, except that not more than 10 percent of any grant made under this section may be used for activities under this subparagraph unless the Secretary determines that such use is to the benefit of existing residents;

(C) facilitating the creation, maintenance, or availability of rental units, including units in mixed-income developments, affordable and accessible to a household whose income does not exceed 120 percent of the median income for the area, as determined by the Secretary, for a period of not less than 30 years;

(D) facilitating the creation, maintenance, or availability of homeownership units affordable and accessible to households whose incomes do not exceed 80 percent of the median income for the area, as determined by the Secretary, for a period of not less than 30 years;

(E) a community development financial institution, a community land trust or shared equity homeownership program; creation, subsidization, construction, acquisition, rehabilitation, and preservation of housing in a community land trust or shared equity homeownership program, and expanding the capacity of the recipient to carry out the grant;

(f) Application.—The Secretary may waive or specify alternative requirements for any provision of subsection (a)(1) or (a)(2), or regulation for the administration of the amounts made available under this section, if the Secretary determines that such requirements related to fair housing, nondiscrimination, labor standards, and the environment, upon a finding that the waiver or alternative requirement is not inconsistent with the overall purposes of such Act and that the waiver or alternative requirement is necessary to expedite or otherwise facilitate the use of amounts made available under this section.

(g) Definitions.—For purposes of this section, the following definitions shall apply:

(1) COMMUNITY LAND TRUST.—The term ‘community land trust’ means a nonprofit organization or State or local governments or instrumentalities that—

(i) use a ground lease or deed covenant with an affordability period of at least 30 years or more to—

(II) make rental and homeownership units affordable to households; and

(III) stipulate a preemptive option to purchase the rental or homeownership units so that the affordability of the units is preserved for successive income-eligible households; and

(II) monitor properties to ensure affordability is preserved.

(2) LAND BANK.—The term “land bank” means a government entity, agency, or program, or a special purpose nonprofit entity formed by one or more units of government in accordance with State or local land bank enabling law, that has been designated by one or more State or local governments to acquire, steward, and dispose of vacant, abandoned, or other problem property, in accordance with locally-determined priorities and goals.

(3) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—A “shared equity homeownership program” means a program to facilitate affordable homeownership preservation through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities and that utilizes a ground lease, deed restriction, subordinate loan, or similar mechanism that includes provisions ensuring that the program shall—

(A) maintain the home as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;

(B) apply a resale formula that limits the homeowner’s proceeds upon resale; and

(C) provide the program administrator or such administrator’s assignee a preemptive option to purchase the homeownership unit from the homeowner at resale.

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

SEC. 40107. INTERGOVERNMENTAL FAIR HOUSING ACTIVITIES AND INVESTIGATIONS.

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

(1) $75,000,000 for support for cooperative efforts with State and local agencies administering fair housing laws under section 817 of the Fair Housing Act (42 U.S.C. 3616) to assist the Secretary to affirmatively further fair housing, and for Fair Housing Assistance Program agreements with certified and State and local agencies under the requirements of subpart C of part 115 of title 24, Code of Federal Regulations, to ensure expanded and strengthened capacity of substantially equivalent agencies to assume a greater share of the responsibility for the administration and enforcement of fair housing laws; and

(2) $25,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Fair Housing Assistance Programs generally, including information technology, financial reporting, research and evaluations, other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

Subtitle C—Homeownership Investments

SEC. 40201. FIRST-GENERATION DOWNPAYMENT ASSISTANCE.

(a) Appropriation.—In addition to amounts otherwise available, there is appropriated to the First-Generation Downpayment Assistance Fund under this section (as well as median area home prices) for the purposes of this section (e)(7) as well as median area home prices, to carry out the eligible uses of the Fund as described in subsection (d); and

(b) Distribution of proceeds.—The Secretary shall distribute the proceeds of the First-Generation Downpayment Assistance Fund to the states, the District of Columbia, the Commonwealth of Puerto Rico, and the Insular Areas, based on the ratio of the number of persons of low income in each state, the District of Columbia, the Commonwealth of Puerto Rico, and the Insular Areas to the national total, as determined by the Secretary, for each fiscal year. No money in the Treasury shall be available for the purposes of this section unless the Secretary makes a written determination that the purposes of its provisions will be furthered.
program's impact on racial and ethnic disparities in homeownership rates, technical assistance to recipients of amounts under this section, and other cross-program costs in support of programs administered by the Secretary in this Act, and other costs.

(b) ESTABLISHMENT.—The Secretary of Housing and Urban Development shall establish and manage a fund known as the First Generation Downpayment Fund (in this section referred to as the “Fund”) for the uses set forth in subsection (d).

(c) USES OF FUNDS.—(1) INITIAL ALLOCATION.—The Secretary shall allocate and award funding provided by subsection (a) to eligible mortgages under such subsection not later than 12 months after the date of enactment of this section.

(2) REALLOCA TION.—If a State or eligible entity does not demonstrate the capacity to expend grant funds provided under this section, the Secretary may recapture amounts remaining available to a grantee that has not demonstrated the capacity to expend such funds in a manner that furthers the purposes of this section and shall reallocate such amounts among any other States or eligible entities that have demonstrated the capacity to expend such amounts in a manner that furthers the purposes of this section.

(d) TERMS AND CONDITIONS OF GRANTS ALLOCATED FROM FUND.—(1) USES OF FUNDS.—States and eligible entities receiving grants from the Fund shall use such grants to provide assistance to, or on behalf of, a qualified homebuyer to (A) make shared equity homes affordable to eligible homebuyers; and (B) subsidize the costs of homebuyer education, or any other nonprofit entity that the Secretary finds has a track record of providing assistance to homeowners, targets services to minority and low-income or provides services in neighborhoods having high concentrations of minority and low-income residents for the area within the area in which the place of residence of the homebuyer is located; or (II) the area in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undisputed interest in the common areas and facilities which serve the project.

(2) QUALIFIED HOMEBUYER.—The term "qualified homebuyer" means an individual who has at any time been an owner of a home, that may only be required to repay an eligible entity for the repayment of the amount of assistance the homebuyer receives from grant amounts under this section (A) that is, as attested by the homebuyer—(i) whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any prior ownership interest in a residence, excluding ownership of heir property or ownership of chattel, whether the individual is a co-borrower on the loan or not; or (B) an individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, had any prior ownership interest in a residence, excluding ownership of heir property or ownership of chattel, whether the individual is a co-borrower on the loan or not.

(3) RELIANCE ON BORROWER ATTESTATIONS.—No additional documentation beyond the borrower's attestation shall be required to demonstrate that the individual, or credit report, has a credit history that is a minimum credit file.

(4) R ELIANCE ON BORROWER ATTESTATIONS.—In determining whether a borrower qualifies for eligibility, and is held by two or more heirs as tenants in common.

(5) OWNERSHIP INTEREST.—The term "owners-ship interest" means any ownership, excluding any interest in heir property, in—(A) real estate in fee simple; (B) a leasehold on real estate under a lease for not less than thirty-nine years which is renewable; or (C) a fee interest in, or long-term leasehold interest, in real estate consisting of a one-family unit in a multifamily project, including a project in which the dwelling units are attached, or are manufactured housing units, semi-detached, or detached, and an undisputed interest in the common areas and facilities which serve the project.

(6) QUALIFIED HOMEBUYER.—The term "qualified homebuyer" means an individual who has an annual household income that is less than or equal to—(i) 120 percent of median income, as determined by the Secretary, for the area in which the eligible home to be acquired using such assistance is located; or (ii) 140 percent of the median income, as determined by the Secretary, for the area within which the eligible home to be acquired using such assistance is located if the homebuyer is acquiring an eligible home located in a high-cost area.

(7) SHARED EQUITY HOMEOWNERSHIP PROGRAM.—(A) In general.—The term "shared equity homeownership program" means a program established for the partial ownership of single-family residential properties through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities.

(B) In general.—The term "shared equity homeownership program" means a program established for the partial ownership of single-family residential properties through a resale restriction program administered by a community land trust, other nonprofit organization, or State or local government or instrumentalities.

(8) SMALL INDIVIDUAL HOUSING PROJECT.—The term "small individual housing project" means—(A) an individual housing project; (B) an individual housing project that is a social housing project; (C) a social housing project that is a small individual housing project; (D) the term "social housing project" means a project that is a small individual housing project.
(B) AFFORDABILITY REQUIREMENTS.—Any such program under subparagraph (A) shall—
(i) provide affordable homeownership opportunities to households; and
(ii) require the use of lease, deed restriction, subordinate loan, or similar mechanism that includes provisions ensuring that the program shall—
(I) maintain the homeownership unit as affordable for subsequent very low-, low-, or moderate-income families for an affordability term of at least 30 years after recordation;
(II) ensure that the homeowner's proceeds upon resale; and
(III) provide the program administrator or such administrator's assignee a pre-emptive option to purchase the homeownership unit from the homeowner upon resale.

(10) STATE.—The term "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, the Commonwealth of the Northern Mariana Islands, and American Samoa.

(f) IMPLEMENTATION.—The Secretary shall have authority to issue such regulations, notices, or other guidance, forms, instructions, and publications to carry out the programs, projects, or activities described in this section to ensure that such programs, projects, or activities are completed in a timely and effective manner.

SEC. 40920. HOME Loan PROGRAM.

(a) In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any amounts in the Treasury not otherwise appropriated, to remain available until September 30, 2023—
(1) $4,000,000,000 to the Secretary of Housing and Urban Development for the cost of guaranteeing or insured loans and other obligations, including the cost of modifying such loans, under subsection (e)(1)(A);
(2) $500,000,000 to the Secretary of Housing and Urban Development for costs of carrying out the program under paragraph (1) and programs of the Federal Housing Administration and the Government National Mortgage Association generally, including information technology, financial reporting, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs;
(3) $150,000,000 to the Secretary of Agriculture for the cost of guaranteed insured loans and other obligations, including the cost of modifying such loans, under subsection (e)(1)(B);
(4) $300,000,000 to the Secretary of Agriculture for the costs of carrying out the program under paragraph (3) and programs of the Rural Housing Service generally, including information technology, financial reporting, and support of the Program administered by the Secretary of Agriculture in this title; and
(5) $300,000,000 to the Secretary of Treasury for the costs of carrying out the program under this section.

(b) USE OF FUNDS.—

(1) IN GENERAL.—(A) The Secretary of Housing and Urban Development and the Secretary of Agriculture shall use the funds provided under subsections (a)(1), (a)(2), (a)(3), and (a)(4) to carry out the programs under subsections (a)(1) and (a)(3) to make guaranteed mortgage loans.

(B) The Secretary of the Treasury shall use the funds provided under subsections (a)(5) and (b)(2) to—
(i) purchase, on behalf of the Secretary of Housing and Urban Development, securities that are secured by covered mortgage loans, and sell, modify, or foreclose any judgment on rights received in connection with, any financial instruments or assets acquired pursuant to the authorities granted under this section, including, as appropriate, the assignment of any vehicles to purchase, hold, and sell such financial instruments or assets;
(ii) designate one or more banks, securities brokers or dealers, asset managers, or investment advisers, as a financial agent of the Federal Government to perform duties related to such activities that were previously performed by the Secretary of Housing and Urban Development.

(c) USE OF PROCEEDS.—Revenues of and proceeds from the sale of assets purchased or acquired under the Program under this section shall be available to the Secretary of the Treasury for the costs of carrying out the program under subsection (b)(1)(B)(i).

(d) LIMITATION ON AGGREGATE LOAN INSURANCE OR GUARANTEE AUTHORITY.—The aggregate original principal amount of covered mortgage loans insured or guaranteed under subsection (e)(1)(A) of this section may not exceed $40,000,000,000, and under section (e)(1)(B) may not exceed $10,000,000,000.

(e) DEFINITIONS.—In this section:

(1) COVERED MORTGAGE LOAN.—

(A) IN GENERAL.—The term "covered mortgage loan" means, for purposes of the Program established by the Secretary of Housing and Urban Development, a mortgage loan that—
(i) is insured by the Federal Housing Administration pursuant to section 203(b) of the National Housing Act (12 U.S.C. 1701u(b)) or a combination thereof;
(ii) subject to subparagraph (C) of this paragraph, is a first-generation homebuyer as defined in paragraph (4) of this subsection and a first-generation homebuyer whom the Secretary of Housing and Urban Development and the Secretary of Agriculture, in consultation with the Secretary of the Treasury, and notwithstanding paragraph (b)(1)(A) of section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)(6)(A)), has a loan guarantee fee of not more than 4 percent of the principal obligation of the loan.

(B) The term "covered mortgage loan" means, for purposes of the Program established by the Secretary of Agriculture, a loan guaranteed under section 502(h)(3)(A) of the Housing Act of 1949 (42 U.S.C. 1472(h)(3)(A)), is made for an original term of 20 years with a monthly mortgage payment of principal and interest that is not more than 10 percent and not less than 10 percent of the monthly payment of principal and interest on a mortgage loan with the same loan balance guaranteed by the agency as determined by the Secretary; and

(C) WAIVER AND ALTERNATIVE REQUIREMENTS.—The Secretary of Housing and Urban Development and the Secretary of Agriculture may, in consultation with the Secretary of the Treasury, and notwithstanding paragraph (b)(1)(A) of section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)(6)(A)) for purposes of the Program established by the Secretary of Agriculture, may waive or specify alternative requirements pursuant to subsection (e)(1)(A)(i) or (e)(1)(B)(i) for covered mortgage loans in connection with the use of amounts made available under this section upon a finding that the waiver or alternative requirement is necessary to facilitate the use of amounts made available under this section.

(2) ELIGIBLE HOMEBUYER.—The term "eligible homebuyer" means an individual who—

(A) for purposes of the Program established by the Secretary of Housing and Urban Development—
(i) has an annual household income that is less than or equal to—
(I) 120 percent of median income for the area, as determined by the Secretary of Housing and Urban Development for—
(aa) the area in which the home to be acquired using such assistance is located; or
(bb) the area in which the place of residence of the homebuyer is located;

(ii) if the homebuyer is acquiring an eligible home that is located in a high-cost area, 140 percent of the median income, as determined by the Secretary, for the area within which the eligible home to be acquired using assistance provided under this section is located; and
(iii) is a first-generation homebuyer as defined in paragraph (3) of this subsection;

(B) for purposes of the Program established by the Secretary of Agriculture—
(i) meets the applicable requirements in section 502(h) of the Housing Act of 1949 (42 U.S.C. 1472(h)); and
(ii) is a first-time homebuyer as defined in paragraph (4) of this subsection and a first-generation homebuyer as defined in paragraph (3) of this subsection.

(3) FIRST-GENERATION HOMEBUYER.—The term "first-generation homebuyer" means a homebuyer that, as attested by the homebuyer, is—

(A) an individual—

(i) whose parents or legal guardians do not, or did not at the time of their death, to the best of such homebuyer's knowledge, have an ownership interest in a residence in any State or ownership of chattel, excluding ownership of heir property; and

(ii) whose spouse, or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, have any present ownership interest in a residence in any State, excluding ownership of heir property or ownership of chattel, whether the individual is a co-borrower on the loan or not; or

(B) any individual who has at any time been placed in foster care or institutional care whose spouse or domestic partner has not, during the 3-year period ending upon acquisition of the eligible home to be acquired using such assistance, have any present ownership interest in a residence in any State, excluding ownership of heir property or ownership of chattel, whether the individual is a co-borrower on the loan or not; or...
or ownership of chattel, whether such individuals are co-borrowers on the loan or not.

(4) FIRST-TIME HOMEOWNER.—The term “first-time homeowner” means a homeowner as defined in section 502(b) of the Orange County, Florida, Community Development Block Grants Demonstration Program. (a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of Housing and Urban Development for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $76,000,000 for a program to increase access to single-family mortgages, including information technology, research and evaluation, financial reporting, and other costs; and

(2) $10,000,000 for the cost of insured or guaranteed loans, and

(3) $14,000,000 for the costs to the Secretary of administering this section and programs in the Office of Housing generally, including information technology, financial reporting, research and evaluation, and other cross-program costs in support of programs administered by the Secretary in this title, and other costs.

(b) IMPLEMENTATION.—For purposes of this section, the term “small-dollar mortgage” means a forward mortgage that—

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

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

(3) is made to an individual who has never had a small-dollar mortgage originated or held by a depository institution.

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

SEC. 40204. INVESTMENTS IN RURAL HOMEOWNERSHIP

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

(1) $90,000,000 for providing single family housing repair grants under section 204(a) of the Housing Act of 1949 (42 U.S.C. 1474(a)), subject to the terms and conditions in subsection (b) of this section;

(2) $10,000,000 for administrative expenses of the Rural Housing Service of the Department of Agriculture for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2031—

(3) $5,000,000 to the Office of Inspector General; and

(3) $5,000,000 to the Office of Inspector General.

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

SEC. 40205. COMMUNITY-LED CAPACITY BUILDING

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

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

(2) $10,000,000 for the costs to the Secretary of administering and overseeing the implementation of this section and the Department’s technical assistance programs, including information technology, research and evaluations, financial reporting, and other cross-program costs in support of programs administered by the Secretary in this title.

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

Subtitle D—Economic Development

SEC. 40401. MINORITY BUSINESS DEVELOPMENT AGENCY

In addition to amounts otherwise available, there is appropriated to the Minority Business Development Agency of the Department of Commerce for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $200,000,000, to remain available until September 30, 2026, for investments with minority-serving institutions of higher education that are led by minority-serving institutions of higher education and that are located in rural, remote, or disadvantaged areas of the country.

(2) $10,000,000 for technical assistance and capacity building to minority-serving institutions of higher education that are located in areas with a significant population of socially or economically disadvantaged individuals; and

(3) $5,000,000 to the Office of Inspector General.
(2) $1,000,000,000, to remain available until September 30, 2026, for entering into grants and agreements to—
(A) assist the formation and growth of minority business enterprises;
(B) establish and provide Federal assistance to minority business centers, specialty centers, and minority business enterprises;
(C) make grants to private, nonprofit organizations that can demonstrate that a primary activity of the organization is to provide services to minority business enterprises, priority for which shall be given to organizations located in a Federally recognized area of economic distress; and
(D) provide grants and assistance to minority-serving institutions of higher education to develop and implement entrepreneurship curricula and participate in the business center program of the Minority Business Development Agency; and
(3) $400,000,000, to remain available until September 30, 2029, to—
(A) establish not less than 5 regional offices of the Minority Business Development Agency, 1 of which shall be established in each region of the United States, as determined by the Secretary; (B) assist the formation and growth of minority business enterprises; (C) collect data relating to the needs and development of minority business enterprises; (D) the status of problems and programs relating to capital formation by minority business enterprises; and (E) carry out this section.

SEC. 4004. ENHANCED USE OF DEFENSE PRODUCTION ACT OF 1950.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money at the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2025, to carry out the Defense Production Act of 1950 in accordance with subsection (b).

(b) USE.—Amounts appropriated by subsection (a) shall be used to create, maintain, protect, expand, or restore the domestic industrial base capabilities essential for national and economic security.

SEC. 4005. SUPPORTING FACTORY-BUILT HOUSING THROUGH SBSC.

(a) IN GENERAL.—Section 3009 of the State Small Business Credit Initiative Act of 2010 (12 U.S.C. 5708) is amended—
(1) in subsection (c), by striking "at the end of fiscal year 2022, out of any money at the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2030, to carry out the Defense Production Act of 1950 in accordance with subsection (b)"); and
(2) by adding at the end the following:

"(f) ADDITIONAL TECHNICAL ASSISTANCE WITH RESPECT TO FACTORY-BUILT HOUSING.—The Secretary shall contract with legal, accounting, and financial advisory firms to provide technical assistance to existing and prospective business enterprises within the factory-built housing sector applying to—
"(1) State programs under the Program; and
"(2) other State or Federal programs that support small businesses.

(b) APPROPRIATION.—In addition to amounts otherwise available, there is hereby appropriated to the Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $240,000,000, to remain available until September 30, 2031, to carry out the amendments made by subsection (a).

TITLE V—COMMITTEE ON HOMELAND SECURITY

SEC. 5001. CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.

(a) IMPROVING FEDERAL SYSTEM CYBERSECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2031, for the Cybersecurity Education and Training Assistance Program, Cybersecurity and Infrastructure Security Agency, and cybersecurity threats (as defined in section 2301 of the Homeland Security Act).

(b) MISSION TO .GOV DOMAIN.—In addition to amounts otherwise made available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for cybersecurity risk mitigation.

(h) CYBERSECURITY TRAINING.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, for the Cybersecurity Education and Training Assistance Program, Federal interagency cybersecurity training for the Cybersecurity and Infrastructure Security Agency, and necessary mission support activities.

(c) CYBERSECURITY AWARENESS, TRAINING, AND INFRASTRUCTURE SECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency, for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2031, for improving cybersecurity awareness, training, and workforce development, including necessary mission support activities.

(d) MULTI-STATE INFORMATION SHARING AND ANALYSIS CENTER.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2031, for the purpose of protecting critical infrastructure industrial control systems and the CyberSentry program.

(f) CLOUD SECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the purpose of executing the secure cloud architecture activities, migration advisory services, and cloud threat hunting capabilities of the Cybersecurity and Infrastructure Security Agency.

(g) INDUSTRIAL CONTROL SYSTEMS SECURITY.—In addition to amounts otherwise made available, there is appropriated to the Cybersecurity and Infrastructure Security Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until September 30, 2031, for the purpose of executing the secure cloud architecture activities, migration advisory services, and cloud threat hunting capabilities of the Cybersecurity and Infrastructure Security Agency.

(1) IN GENERAL.—The Secretary of Homeland Security...
(A) was inspected and admitted to the United States; (B) entered the United States without inspection; or (C) was paroled into the United States;

(2) has continuously resided in the United States since such entry; and

(3) is not admitted pursuant to paragraph (2), (3), (6)(E), (8), (10)(A), (10)(C), or (10)(D) of section 212(a) of the Immigration and Nationality Act (8 U.S.C. 1182(a)).

(c) REQUIREMENTS.—Consistent with the requirements under subsection (a), and based on the policies and implementing guidance issued pursuant to this section and in effect when parole was initially granted to the alien under this section, the Secretary of Homeland Security shall extend a grant of parole for an alien described in subsection (b) from the date the initial parole period was initially granted to the date initially granted to the alien under this section plus 2 years.

(d) REVERSION.—The Secretary of Homeland Security may not revoke parole granted to an alien under subsection (a) unless the Secretary determines that such alien is ineligible for parole under subsection (b) based on the policies and implementing guidance in effect when parole was initially granted to the alien under this section.

(e) CLARIFICATIONS.—

(1) IN GENERAL.—An alien paroled under this section shall not be counted for purposes of the calculation under section 201(c)(4) of the Immigration and Nationality Act (8 U.S.C. 1151(c)(4)).

(2) OTHER RELIEF.—Nothing in this section shall limit the existing authority of the Secretary of Homeland Security to provide administrative or statutory relief to aliens on an individual or class-wide basis.

(3) CONFLICT OF LAW.—The Secretary of Homeland Security may not discontinue information provided in any application filed under this section to U.S. Immigration and Customs Enforcement, U.S. Customs and Border Protection, or any designee of either such entity or use such information for purposes of immigration enforcement.

(g) INTERIM RULES.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security shall publish in the Federal Register, interim final rules implementing this section and shall not, later than 90 days after such rules are published, begin accepting and adjudicating applications for parole under subsection (c)(1)(A).

 SEC. 60002. RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.

(a) Ensuring Future Use of All Immigrant Visa Numbers.—Section 204(a)(1)(B)(i)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(i)(II)) is amended to read as follows:

(II) the number of visas described in subparagraph (A)(i) that were issued under section 203(a), act in accordance with section 201(c)(2), under section 203(b); and

(ii) the number of visas resulting from the formula under clause (i) issued under section 203(b) after fiscal year 2021.

(b) RECAPTURE OF UNUSED IMMIGRANT VISA NUMBERS.—Section 201 of the Immigration and Nationality Act (8 U.S.C. 1151) is amended by adding at the end the following:

(2) OTH RELIEF.—Nothing in this section shall limit the existing authority of the Secretary of Homeland Security to provide administrative or statutory relief to aliens on an individual or class-wide basis.

(g) INTERIM RULES.—Not later than 90 days after the date of the enactment of this section, the Secretary of Homeland Security shall publish in the Federal Register, interim final rules implementing this section and shall not, later than 90 days after such rules are published, begin accepting and adjudicating applications for parole under subsection (c)(1)(A).

 SEC. 60003. ADJUSTMENT OF STATUS.

Section 245 of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)) is amended by adding—

(i) the difference, if any, between—

(i) the number of visas that were originally made available to such immigrants in such fiscal years under section 201(c)(1); and

(ii) the number of visas that were originally made available to such immigrants in such fiscal years under section 201(c)(2); and

(ii) the number of visas described in subparagraph (A) that were issued under section 203(a), act in accordance with section 201(c)(2), under section 203(b); and

(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(b) after fiscal year 2021.

(2) EMPLOYMENT-BASED VISAS.—

(A) IN GENERAL.—Notwithstanding the numerical limitations set forth in this section or in sections 201(c)(1), 201(c)(2), and 203, the number of employment-based immigrant visas that may be issued under section 203(b) shall be increased by the number computed under subparagraph (A) for fiscal year 2021.

(B) UNUSED VISAS.—The number computed under this paragraph is the difference, if any, between—

(i) the number of visas that were originally made available to employment-based immigrants under section 201(d)(1) for fiscal years 1992 through 2021, setting aside any unused visas made available to such immigrants in such fiscal years under section 201(d)(2); and

(ii) the number of visas described in subparagraph (A) that were issued under section 203(a), act in accordance with section 201(c)(2), under section 203(b); and

(ii) the number of visas resulting from the calculation under clause (i) issued under section 203(b) after fiscal year 2021.

(3) DIVERSITY VISAS.—Notwithstanding section 204(a)(1)(I)(ii)(I), on immigrant visas for an alien selected in accordance with section 203(c)(2) in fiscal year 2017, 2018, 2019, 2020, or 2021 shall remain available to such alien (and the spouse and children of such alien) if—

(A) the alien was refused a visa, prevented from seeking admission, or denied admission to the United States solely because of Executive Order 13769, Executive Order 13780, Presidential Proclamation 9645, or Presidential Proclamation 9838; or

(B) because of restrictions or limitations on visa processing, visa issuance, travel, or other effects associated with the COVID-19 public health emergency—

(i) the alien was unable to receive a visa interview despite submitting an Online Immigrant Visa Application (Form DS-260) to the Secretary of State; or

(ii) the alien was unable to seek admission or was denied admission to the United States despite being approved for a visa under section 203(c).'

SEC. 60004. ADDITIONAL SUPPLEMENTAL FEES.

(a) TREASURY.—The fees described in this section, section 60001, and section 245(h) of the Immigration and Nationality Act, as added by this subtitle—

(1) shall be deposited in the general fund of the Treasury; and

(2) may not be waived, in whole or in part.

(b) IMMIGRANT VISAS PETITIONS.—In addition to any other fee collected in connection with a petition described in this section, the Secretary of Homeland Security shall collect a supplemental fee in the amount of—

$100 in connection with each petition filed under—


(B) section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15));


(D) section 204(a)(1)(B)(ii)(II) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)(II)), except as provided in paragraph (A) of this section; or

(E) section 204(a)(1)(B)(ii)(III) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)(III)), except as provided in paragraph (A) of this section; or

(F) section 204(a)(1)(B)(ii)(IV) of the Immigration and Nationality Act (8 U.S.C. 1154(a)(1)(B)(ii)(IV)), except as provided in paragraph (A) of this section;

$250 for each derivative beneficiary; and

$1,500 for each nonimmigrant.

(c) PERMANENT RESIDENT CARD REPLACEMENT.—In addition to any other fee collected in connection with each Application to Replace
Permanent Resident Card (Form I-90, or any successor form), filed for purposes of replacing an expired or expiring permanent resident card, the Secretary of Homeland Security shall collect a supplemental fee of $260.

(f) NONIMMIGRANT VISAS.—In addition to any other fee collected in connection with a petition filed under section 214 of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)), the Secretary of Homeland Security shall collect a supplemental fee of $80 in connection with each such petition for classification as a nonimmigrant under subparagraph (E), (H)(b)(1), (L), (O), or (P) of section 101(a)(15) of such Act (8 U.S.C. 1101(a)(15)).

(g) EXTEND/CHANGE STATUS.—In addition to any other fee collected in connection with an Application to Extend/Change Nonimmigrant Status (Form I-539, or any successor form), the Secretary of Homeland Security shall collect a supplemental fee of $100.

(h) EMPLOYMENT AUTHORIZATION.—In addition to any other fee collected in connection with an application for employment authorization (Form I-765, or any successor form), the Secretary of Homeland Security shall collect a supplemental fee of $120 for each such application filed by an individual seeking such authorization.

(1) the spouse of a nonimmigrant described in subparagraph (E), (H), or (L) of section 101(a)(15) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(15)).

(2) a nonimmigrant described in section 101(a)(15)(F) of such Act (8 U.S.C. 1101(a)(15)(F)) to engage in optional practical training;

(3) an applicant for adjustment of status under section 245(a) of such Act (8 U.S.C. 1255(a)).

SEC. 60002. BUREAU OF INDIAN AFFAIRS FISH HATCHERY AND RESEARCH FUNDING.

SEC. 60003. ADDITIONAL APPROPRIATION FOR TRIBAL NATION CLIMATE RESILIENCE ACT OF 2021.

SEC. 63001. ADDITIONAL APPROPRIATION FOR ENFORCEMENT RELATING TO FEDERAL INCOME TAX EVASION.

In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for necessary expenses for the Department of Justice to carry out the work of the Division related to collection or enforcement of the antitrust laws.

SEC. 62002. FEDERAL TRADE COMMISSION FUNDING FOR UNFAIR COMPETITION AND ANTI-TRUST ENFORCEMENT WORK.

In addition to amounts otherwise available, there is appropriated to the Federal Trade Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000,000 to remain available until September 30, 2031, for carrying out work of the Commission related to unfair methods of competition or enforcement of the antitrust laws.

Subtitle D—Revenue Matters

SEC. 65001. ADDITIONAL APPROPRIATION FOR ENFORCEMENT RELATING TO FEDERAL INCOME TAX EVASION.

In addition to amounts otherwise available, there is appropriated to the Acting Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $498,000,000, to remain available until September 30, 2031, for necessary expenses for the Department of the Treasury to carry out the work of the Division related to collection or enforcement of Federal laws against tax evasion, including by pursuing civil cases or prosecuting criminal violations.

TITLE VII—COMMITTEE ON NATURAL RESOURCES

Subtitle A—Native American and Native Hawaiian Affairs

SEC. 70101. TRIBAL CLIMATE RESILIENCE.

(a) TRIBAL CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior to make grants to Tribal Nations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,800,000,000 to remain available until September 30, 2031, for the purpose of increasing the capacity of Tribal Nations to manage the impacts of climate change.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior to make grants to Tribal Nations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000 to remain available until September 30, 2031, for carrying out work of the Commission related to unfair methods of competition or enforcement of the antitrust laws.

(b) USE OF FUNDING.—The Attorney General, to support evidence-informed interventions and the Director of the Office on Violence Against Women, to support evidence-informed interventions and the Director of the Office on Violence Against Women, shall use amounts appropriated by subsection (a) to—

(1) award competitive grants or contracts to units of local government, States, the District of Columbia, Indian Tribes, nonprofit community-based organizations, victim services providers, or other entities as determined by the Attorney General, to support evidence-informed intervention strategies to effectively reduce community violence and ensure public safety; and

(2) to support research, technical assistance, research, evaluation, and data collection on strategies to effectively reduce community violence and ensure public safety; and

(3) support research, evaluation, and data collection on the differing impact of community violence on demographic categories.

Subtitle C—Antitrust

SEC. 6201. ANTI-TRUST DIVISION.

In addition to amounts otherwise available, there is appropriated to the Attorney General for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, for necessary expenses for the Department of Justice to carry out the work of the Division related to collection or enforcement of the antitrust laws.

TITLE VII—COMMITTEE ON NATURAL RESOURCES

Subtitle D—Revenue Matters

SEC. 65001. ADDITIONAL APPROPRIATION FOR ENFORCEMENT RELATING TO FEDERAL INCOME TAX EVASION.

In addition to amounts otherwise available, there is appropriated to the Acting Secretary of the Treasury for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $498,000,000, to remain available until September 30, 2031, for necessary expenses for the Department of the Treasury to carry out the work of the Division related to collection or enforcement of Federal laws against tax evasion, including by pursuing civil cases or prosecuting criminal violations.

(b) USE OF FUNDING.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $49,000,000, to remain available until September 30, 2031, to carry out, through financial assistance, technical assistance, direct expenditure, grants, contracts, or cooperative agreements, climate resilience and adaptation activities that serve the Native Hawaiian Community.

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5323(a)-(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 70102. NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.

(a) NATIVE HAWAIIAN CLIMATE RESILIENCE AND ADAPTATION.—In addition to amounts otherwise available, there is appropriated to the Senior Program Director of the Office of Native Hawaiian Relations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $294,000,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectricated Tribal homes through renewable energy systems; and

(2) transitioning electrified Tribal homes to renewable energy systems; and

(3) associated home repairs and retrofitting necessary to install the renewable energy systems authorized under paragraphs (1) and (2).

(b) USE OF FUNDS.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $294,000,000, to remain available until September 30, 2031, for—

(1) the provision of electricity to unelectricated Tribal homes through renewable energy systems; and

(2) transitioning electrified Tribal homes to renewable energy systems; and

(3) associated home repairs and retrofitting necessary to install the renewable energy systems authorized under paragraphs (1) and (2).

(c) SMALL AND NEEDY PROGRAM.—Amounts made available under this section shall be excluded from the calculation of funds received by the Tribal government that participate in the “Small and Needy” program.

(d) DISTRIBUTION; USE OF FUNDS.—Amounts made available under this section that are distributed to Indian Tribes and Tribal organizations for services pursuant to a self-determination contract (as defined in subsection (i) of section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(i))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5323(a)-(b)); and

(3) shall only be used for the purposes identified under the applicable subsection.

SEC. 70104. EMERGENCY DROUGHT RELIEF FOR TRIBES.

In addition to amounts otherwise available, there is appropriated to the Commissioner of the Bureau of Indian Affairs to make grants to Tribal Nations for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until

November 18, 2021
September 30, 2026, for near-term drought relief actions to mitigate drought impacts for Indian Tribes that are impacted by the operation of a Bureau of Reclamation water project, including through technical assistance to address drinking water shortages and to mitigate the loss of Tribal trust resources.

SEC. 70105. NATIVE AMERICAN CONSULTATION RESOURCE CENTER.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $123,716,000, to remain available until September 30, 2031, for the provision of information and technical assistance to Tribal Governments, Alaska Native Corporations, and the Native Hawaiian Community; and

(b) INQUIRY.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $33,000,000, to remain available until September 30, 2031, to establish and administer a National Native American Consultation Resource Center (the date of establishment shall expire September 30, 2031) to provide training and technical assistance to support Federal consultation and coordination responsibilities relating to—

(1) the protection of the natural and cultural resources of Native Americans;

(2) land use planning and development that impacts Tribal Governments, Alaska Native Corporations, and the Native Hawaiian Community; and

(3) infrastructure projects that impact Tribal Governments, Alaska Native Corporations, and the Native Hawaiian Community.

(b) DEFINITION.—In this section:

(1) ALASKA NATIVE CORPORATION.—The term ‘‘Alaska Native Corporation’’ has the meaning given the term in section 102(10) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)).

(2) NATIVE AMERICAN.—The term ‘‘Native American’’ means—

(A) an Indian (as defined in subsection (d) of section 2 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(d));

(B) a Native (as defined in subsection (b) of section 2 of the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001)); and

(C) a Native (as defined in subsection (b) of section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(b))).

(3) TRIBAL GOVERNMENT.—The term ‘‘Tribal Government’’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including parenthetically) in the list published most recently as of the date of enactment of this paragraph pursuant to section 194 of the Indian Self-Determination and Education Assistance Act (Public Law 101-508) established and maintained pursuant to section 101 of title 23, United States Code.

SEC. 70106. INDIAN HEALTH SERVICE.

(a) MAINTENANCE AND IMPROVEMENT.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000,000, to remain available until September 30, 2026, for the maintenance and improvement of Indian Health Service facilities, including facility renovation, construction, or expansion relating to mental health and substance use prevention and treatment services.

(b) MENTAL HEALTH AND SUBSTANCE USE DISORDERS.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000,000, to remain available until September 30, 2031, for public safety and justice programs and related expenses. None of the funds provided by this section shall be subject to cost-sharing or administrative expenses.

(c) PRIORITY HEALTH CARE FACILITIES.—In addition to amounts otherwise available, there is appropriated to the Director of the Indian Health Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $490,000,000, to remain available until September 30, 2031, for public safety and justice programs and related expenses.

SEC. 70107. TRIBAL PUBLIC SAFETY.

(a) PUBLIC SAFETY AND JUSTICE.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000,000, to remain available until September 30, 2031, for public safety and justice programs and related expenses.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Assistant Secretary for Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $10,000,000, to remain available until September 30, 2031, for the administrative costs of carrying out this section.

SEC. 70108. BUREAU OF INDIAN AFFAIRS AND TRIBAL ROADS.

(a) ROADS.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $715,400,000, to remain available until September 30, 2026, for the Bureau of Indian Affairs Road System and Tribal Road System facilities, grants, cooperative agreements, or technical assistance to Tribal governments, nonprofit organizations, local governments, and institutions of higher education (as defined in section 102(26) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable communities to adapt to extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, or for related administrative expenses. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the administrative costs of carrying out this section.

SEC. 70109. FEDERALLY RECOGNIZED TRIBAL TRAILS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $113,284,000, to remain available until September 30, 2031, for environmental health and facilities support activities of the Indian Health Service.

(b) DISTRIBUTION; USE OF FUNDS.—Amounts appropriated under this section that are distributed in accordance with a self-determination contract (as defined in section (g) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(g))) or a self-governance compact entered into pursuant to subsection (a) of section 404 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(a))—

(1) shall be distributed on a 1-time basis;

(2) shall not be part of the amount required by subsections (a) through (b) of section 106 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304(a)) and shall only be used for the purposes identified under the applicable subsection.

SEC. 70110. BUREAU OF INDIAN AFFAIRS AND TRIBAL ROADS.

(a) ROADS.—In addition to amounts otherwise available, there is appropriated to the Director of the Bureau of Indian Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $113,284,000, to remain available until September 30, 2031, for the Bureau of Indian Affairs Road System and Tribal Road System facilities, grants, cooperative agreements, or technical assistance to Tribal governments, nonprofit organizations, local governments, and institutions of higher education (as defined in section 102(26) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable communities to adapt to extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, or for related administrative expenses. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.

(b) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $715,400,000, to remain available until September 30, 2026, for the Bureau of Indian Affairs Road System and Tribal Road System facilities, grants, cooperative agreements, or technical assistance to Tribal governments, nonprofit organizations, local governments, and institutions of higher education (as defined in section 102(26) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))), for the conservation, restoration, and protection of coastal and marine habitats and resources, including fisheries, to enable communities to adapt to extreme storms and other changing climate conditions, and for projects that support natural resources that sustain coastal and marine resource dependent communities, or for related administrative expenses. None of the funds provided by this section shall be subject to cost-sharing or matching requirements.
SEC. 70202. PACIFIC SALMON RESTORATION AND CONSERVATION.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(13)) that is included in a fishery management plan or plan amendment approved by the Secretary of Commerce under subsection (a) of section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)), and for related administrative expenses.

SEC. 70203. MARINE FISHERIES INFRASTRUCTURE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2026, for grants to States and Tribal Governments, to repair, replace, and upgrade hatchery infrastructure for the production of a fishery (as defined in paragraph (13) of section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1802(13))) that is included in a fishery management plan or plan amendment approved by the Secretary of Commerce under subsection (a) of section 301 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1851(a)), and for related administrative expenses.

(b) TRIBAL GOVERNMENT.—In this section, the term ‘tribal government’ means the recognized governing body of any Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified in paragraphs (1) and (2) in the list published most recently as of the date of enactment of this subsection pursuant to section 104 of the Federally Recognized Indian Tribe List Act (25 U.S.C. 5131).

SEC. 70204. MARINE FISHERIES AND MARINE MAMMAL STOCK ASSESSMENTS, SURVEYS, AND RESEARCH AND MANAGEMENT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of marine mammals and marine mammal research, including fisheries and marine mammal stock assessments, marine fisheries data collection, research, and management, acquisition of electronic monitoring equipment for fishery participants, transitional gear research, and ecosystem-based assessments in support of marine fish species, including fisheries research and management and marine mammals conservation, and marine mammal research.

SEC. 70205. FACILITIES OF THE NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND NATIONAL MARINE SANCTUARIES.

(a) NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $300,000,000, to remain available until September 30, 2026, for the construction of new facilities (including facilities in need of replacement) and upgrades facilities (including facilities in need of replacement) and facilities laboratories.

(b) NATIONAL MARINE SANCTUARIES FACILITIES.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, for the construction of facilities to support the National Marine Sanctuary System established under section 3 of the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1431(c)).

 SEC. 70206. NOAA EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,400,000,000, to remain available until September 30, 2026, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70207. SEAFOOD IMPORT MONITORING PROGRAM.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until expended, to improve the seafood import monitoring program of the National Oceanic and Atmospheric Administration.

Subtitle C—United States Fish and Wildlife Service.

SEC. 70301. ENDANGERED SPECIES ACT RECOVERY PLANS.

In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $80,000,000, to remain available until expended, for the purposes of developing and implementing recovery plans under paragraphs (1), (3), and (4) of subsection (j) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(j)).

SEC. 70302. ISLAND PLANT CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until expended, for the purposes of rebuilding and restoring units of threatened species of plants in the Hawaiian Islands and the Pacific Island Territories of the United States under paragraphs (1), (3), and (4) of subsection (j) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(j)).

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $242,500,000, to remain available until expended, to provide for the development of more efficient, accurate, and timely reviews and permitting processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services, the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70303. POLLINATOR CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of native pollinators in the United States, and for necessary administrative expenses associated with carrying out this section.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until expended, to provide for the development of more efficient, accurate, and timely reviews and permitting processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services, the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70304. MARINE MAMMAL CONSERVATION.

In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until expended, to provide for the development of more efficient, accurate, and timely reviews and permitting processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services, the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70305. DESERT FISH CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of desert fish in the United States under paragraphs (1), (3), and (4) of subsection (j) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(j)).

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000, to remain available until expended, to provide for the development of more efficient, accurate, and timely reviews and permitting processes through the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services, the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70306. FUNDING FOR THE UNITED STATES FISH AND WILDLIFE SERVICE TO ADDRESS CLIMATE-INDUCED WEATHER EVENTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $242,500,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of rebuilding and restoring units of the National Wildlife Refuge and State wildlife management areas, including by—

(1) addressing the threat of invasive species;

(2) increasing the resiliency and capacity of habitats and infrastructure to withstand climate-induced weather events; and

(3) reducing the amount of damage caused by climate-induced weather events.

(b) ADMINISTRATIVE COSTS.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $7,500,000, to remain available until September 30, 2026, for necessary administrative expenses associated with carrying out this section.

SEC. 70307. WILDLIFE CORRIDOR CONSERVATION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,850,000, to remain available until expended, to make direct expenditures, award grants, and enter into contracts and cooperative agreements for the purposes of conserving endangered species and threatened species of pollinators in the United States under paragraphs (1), (3), and (4) of subsection (j) of section 4 of the Endangered Species Act of 1973 (16 U.S.C. 1533(j)).
United States Fish and Wildlife Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $9,700,000, to remain available until expended, to carry out, through direct expenditures, $500,000,000, to remain available until September 30, 2026, to carry out the Council on Environmental Quality’s functions and for the purposes of training personnel, developing programmatic documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.

Subtitle F—Department of the Interior Efficient and Effective Reviews

SEC. 70601. DEPARTMENT OF THE INTERIOR EFFICIENT AND EFFECTIVE REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Department of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,200,000, to remain available until September 30, 2030, for necessary administrative expenses associated with carrying out this section.

SEC. 70602. COUNCIL ON ENVIRONMENTAL QUALITY EFFICIENT AND EFFECTIVE ENVIRONMENTAL REVIEWS.

In addition to amounts otherwise available, there is appropriated to the Chair of the Council on Environmental Quality for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2026, to carry out the Council on Environmental Quality’s functions and for the purposes of training personnel, developing programmatic documents, and developing tools, guidance, and techniques to improve stakeholder and community engagement.

Subtitle G—Public Lands

SEC. 70701. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND RESILIENCE.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to provide for the development of more efficient, accurate, and timely reviews for planning, permitting, and approval processes for the National Park Service, the Bureau of Land Management, the Bureau of Reclamation, the Bureau of Safety and Environmental Enforcement, and the Office of Surface Mining Reclamation and Enforcement, the hiring and training of personnel, the development of programmatic documents, the procurement of technical or scientific services for reviews, the development of environmental data or information systems, stakeholder and community engagement, the purchase of new equipment for environmental analysis, and the development of geographic information systems and other analysis tools, techniques, and guidance to improve agency transparency, accountability, and public engagement.

SEC. 70702. NATIONAL PARKS AND PUBLIC LANDS CONSERVATION AND ECOSYSTEM RESTORATION.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $750,000,000, to remain available until September 30, 2031, to carry out conservation, ecosystem and habitat improvements, and related expenditures necessary to carry out such projects, on public lands administered by the National Park Service or Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

Subtitle H—Urban Parks

SEC. 70705. NATIONAL PARK SERVICE DEFERRED MAINTENANCE IN DEPARTMENT OF THE INTERIOR HOUSING.

In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $400,000,000, to remain available until September 30, 2026, for deferred maintenance projects, which may include resolving directly-related infrastructure deficiencies, including through direct expenditures or transfer authority, within the boundaries of the National Park System and Public Lands, including expenses necessary to provide housing, for—

(1) field employees of the National Park Service pursuant to subchapter III of chapter 103 of title 54, United States Code;

(2) field employees of the Bureau of Land Management in a manner similar to the provisions of paragraph (1); and

(3) participants in corps programs performing appropriate conservation projects or resiliency and restoration projects under grants, contracts, or cooperative agreements with the National Park Service or the Bureau of Land Management in a manner similar to the provisions of paragraph (1).

SEC. 70706. URBAN PARKS.

In addition to amounts otherwise available, there is appropriated to the Director of the National Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until September 30, 2031, to provide funding, including all expenses necessary to provide funding, through direct expenditures, grants, contracts, or cooperative agreements, to fund appropriate conservation projects or resiliency or restoration projects, including all expenses necessary to carry out such projects, on public lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.

(b) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Secretary of the Interior for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2026, to provide funding, including all expenses necessary to provide funding, through direct expenditures, grants, contracts, or cooperative agreements, to fund appropriate conservation projects or resiliency or restoration projects, including all expenses necessary to carry out such projects, on public lands administered by the National Park Service and Bureau of Land Management. None of the funds provided under this section shall be subject to cost-share or matching requirements.
of the Secretary. Such approval shall require assur-
ances as the Secretary considers necessary to
ensure the substitution of other recreational
properties of equivalent or greater fair market
value and of equivalent usefulness and accessi-
bility.

SEC. 70070. HISTORIC PRESERVATION.
In addition to amounts otherwise available, there is appropriated to the Director of the Na-
tional Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $50,000,000, to remain available until September 30, 2026, to provide funding through
direct contracts, grants, cooperative
agreements, or technical assistance to
States, Indian Tribes, the District of Columbia,
and Territories to carry out preservation or his-
toric protection projects as determined by section 300125 of title 54, United States Code.

SEC. 70070A. NATIONAL HERITAGE AREAS.
In addition to amounts otherwise available, there is appropriated to the Director of the Na-
tional Park Service for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $50,000,000, to remain available until September 30, 2026, to out fund for Na-
tional Heritage Area Partnerships, including funding in fiscal year 2022 for any national her-
itage area, national heritage corridor, cultural heritage corridor, heritage trails, national heritage canalway, national heritage route, and battlefields national historic districts authorized to receive Federal funds as of Sep-
tember 30, 2021.

SEC. 70070W. WITHDRAWALS.
The Secretary of the Interior shall, on or be-
fore June 30, 2024, withdraw, permanently or for
a set term and subject to valid existing rights,
lands or interests in lands administered by the
Bureau of Land Management from entry, ap-
propriation, disposal, location, leasing, permit-
ing, and patent. Withdrawals made under this section shall be made subject to the terms and con-
ditions of receipts payable to the Treasury between the
date of the enactment of this section and the end of fiscal year 2023 of $10,000,000.

SEC. 700710. NATIONAL PARK SERVICE EMPLOY-
EES.
In addition to amounts otherwise available, there is appropriated to the Secretary of the In-
terior, out of any money in the Treasury not otherwise appro-
riated, $500,000,000, to remain available through Sep-
tember 30, 2030, to hire employees in units of the Na-
tional Park System.

Subtitle H—Drought Response and
Preparedness

SEC. 700801. BUREAU OF RECLAMATION DOMESTIC WATER SUPPLY PROJECTS.
(a) FUNDING FOR DOMESTIC WATER SUPPLY PROJECTS.—In addition to amounts otherwise available, there is appropriated to the Commiss-
ioner of the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $50,000,000, to remain available until expended, for grants, contracts, or financial assistance agreements for disad
dvantaged communities (identified accord-
ing to criteria adopted by the Commissioner) in a manner as determined by the Commissioner for up to 100 percent of the cost of the planning, de-
development, and construction of projects that serve primarily to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies from another source, or the provision of nonreimbursable grants in a manner as deter-
mined by the Commissioner for up to 100 percent of the cost of the planning, design, and construction of projects to reclaim and reuse municipal, industrial, domes-
tic, or agricultural water or impaired ground or surface waters that have a total esti-
mated cost of more than $500,000,000 and that provide benefits to regions within the Reclamation States for the purposes of—
(1) helping to advance water management plans across a multifaceted portfolio, such as drought contingency plans in the Colorado River Basin; and
(2) providing multiple benefits, including water supplies, habitat, benefits for drought-stricken States, Indian Tribes, and communities, and benefits from measurable reductions in water diversions.

The Bureau of Reclamation shall not impose a total dollar cap on Federal contributions that applies to all individual projects funded under this section. An eligible project shall not be con-
sidered to be an eligible project for purposes of this section because the project has received assistance authorized under title XVI of Public Law 102–
575 or section 4069 of Public Law 114–224. The Bureau of Reclamation shall consider the plan-
nings, design, and construction of an eligible project’s conveyance system to be eligible for grant funding under this section.

(b) ADDITIONAL FUNDING.—In addition to amounts otherwise available, there is appro-
priated to the Commissioner of the Bureau of Reclamation for fiscal year 2022 and each fiscal year thereafter, out of any money in the Treas-
ury not otherwise appropriated, $50,000,000, to remain available until expended, for grants, contracts, or financial assistance agreements for disad
advantaged communities (identified accord-
ing to criteria adopted by the Commissioner) in a manner as determined by the Commissioner for up to 100 percent of the cost of the planning, de-
development, and construction of projects that serve primarily to provide domestic water supplies to communities or households that do not have reliable access to domestic water supplies from another source, or the provision of nonreimbursable grants in a manner as deter-
mined by the Commissioner for up to 100 percent of the cost of the planning, design, and construction of projects to reclaim and reuse municipal, industrial, domes-
tic, or agricultural water or impaired ground or surface waters that have a total esti-
mated cost of more than $500,000,000 and that provide benefits to regions within the Reclamation States for the purposes of—
(1) helping to advance water management plans across a multifaceted portfolio, such as drought contingency plans in the Colorado River Basin; and
(2) providing multiple benefits, including water supplies, habitat, benefits for drought-stricken States, Indian Tribes, and communities, and benefits from measurable reductions in water diversions.

The Bureau of Reclamation shall not impose a total dollar cap on Federal contributions that applies to all individual projects funded under this section. An eligible project shall not be con-
sidered to be an eligible project for purposes of this section because the project has received assistance authorized under title XVI of Public Law 102–
575 or section 4069 of Public Law 114–224. The Bureau of Reclamation shall consider the plan-
nings, design, and construction of an eligible project’s conveyance system to be eligible for grant funding under this section.

SEC. 700802. LARGE SCALE WATER REUSE.
(a) DEFINITIONS.—In this section:
(1) ELIGIBLE ENTITY.—The term “eligible entity” means—
(A) a State, Indian Tribe, municipality, irrigation
district, water district, wastewater district, or other organization described in subparagraphs (A) and (B); or
(B) a State, region, or local authority, the members of which include 1 or more organiza-
tions with water or power delivery authority; or
(c) an agency established under State law for the joint exercise of powers or a combination of entities described in subparagraphs (A) and (B).
(2) RECLAMATION STATE.—The term “Reclama-
tion State” means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388), or a Western State (as described in item (6) of section 3002 of the Western Water Policy Review Act of 1992).

(b) RECLAMATION STATE.—The term “Reclama-
tion State” means a State or territory described in the first section of the Act of June 17, 1902 (32 Stat. 388), or a Western State (as described in item (6) of section 3002 of the Western Water Policy Review Act of 1992).

SEC. 700803. ADDRESSING REDUCED WATER AVAIL-
ABILITY.
In addition to amounts otherwise available, there is appropriated, $50,000,000, to remain available until September 30, 2021, to provide nonreim-
bursable grants on a competitive basis to eligible entities that shall not exceed 25 percent of the total cost of an eligible project unless the project advances at least a proportionate share of au-
torized nonfederal benefits provided through measurable reductions in water diversions from a river basin that is asso-
ciated with or affected by, or located within the same river basin as a Bureau of Reclamation project up to a maximum 75 percent of the total costs of an eligible project, to carry out the planning, design, and construction of projects to reclaim and reuse municipal, industrial, domes-
tic, or agricultural water or impaired ground or surface waters that have a total esti-
mated cost of more than $500,000,000 and that provide benefits to regions within the Reclamation States for the purposes of—
(1) helping to advance water management plans across a multifaceted portfolio, such as drought contingency plans in the Colorado River Basin; and
(2) providing multiple benefits, including water supplies, protection, and resilience to United States Insular Areas.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appro-
priated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $25,000,000, to remain available until September 30, 2031, to provide nonreimbursable grants in a manner as determin-
ed by the Secretary in the manner described in subsection (a) of this section to support the carrying out of water conveyance facilities that do not enlarge the carrying capacity of a conveyance facility beyond the capacity as previously constructed for conveyance facilities in need of emergency restoration due to extensive drought or expe-
riencing exceptional drought for the purposes of increasing drought resiliency, primarily through groundwater recharge.

SEC. 700804. CANAL REPAIR AND IMPROVEMENT
PROJECTS.
(a) CONVEYANCE REPAIRS.—In addition to amounts otherwise available, there is appro-
priated to the Bureau of Reclamation for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $25,000,000, to remain available until September 30, 2031, to provide nonreimbursable grants in a manner as deter-
minded by the Secretary in the manner described in subsection (a) of this section to support the carrying out of water conveyance facilities that do not enlarge the carrying capacity of a conveyance facility beyond the capacity as previously constructed for conveyance facilities in need of emergency restoration due to extensive drought or experi-
encing exceptional drought for the purposes of increasing drought resiliency, primarily through groundwater recharge.

SEC. 700001. INNSULAR AFFAIRS CRITICAL INFRA-
STRUCTURE FUNDING.
In addition to amounts otherwise available, there is appropriated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $1,000,000,000, to remain available until September 30, 2026, for critical infra-
structure in the prevention of, and recovery from, natural disasters and major economic disrup-
tions such as hurricanes, floods, and earthquakes.

(b) ADMINISTRATIVE EXPENSES.—In addition to amounts otherwise available, there is appro-
priated to the Department of the Interior Office of Insular Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appro-
riated, $25,000,000, to remain available until September 30, 2026, for necessary administrative ex-
penses associated with carrying out this section.
SEC. 71001. RENEWABLE ENERGY LEASING ON THE OUTER CONTINENTAL SHELF.

The Secretary of the Interior shall grant leases, rights-of-way, or permits to produce or support production, transportation, or transmission of electricity from renewable energy facilities on the Outer Continental Shelf in the areas identified on the map entitled “Outer Continental Shelf Lower 48 States Planning Areas” and dated October 18, 2021, as the Mid Atlantic Planning Area, the South Atlantic Planning Area, the Straits of Florida Planning Area, and the Eastern Gulf of Mexico Planning Area.

SEC. 71002. OFFSHORE WIND FOR THE TERRITORIES.

The Secretary of the Interior shall grant leases, easements, and rights-of-way to produce or support production, transportation, or transmission of electricity from renewable energy facilities in submerged lands seaward from the coastline of Puerto Rico, Guam, American Samoa, the Virgin Islands of the United States, and the Commonwealth of the Northern Mariana Islands and of which the subsoil and seabed appertain to the United States and are subject to its jurisdiction and control. The Secretary of the Interior shall conduct wind lease sales in said submerged lands if the Secretary of the Interior has determined that a wind lease sale is feasible and issued a call for information and nominations, determined there is sufficient interest in leasing the area, and consulted with the Governor of the territory regarding the suitability of the area for wind energy development.

Subtitle K—Presenting Damage From Mining

SEC. 71101. FUNDING TO PREVENT DAMAGE FROM MINING.

In addition to amounts otherwise available, there is appropriated to the Bureau of Land Management for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,000,000, to remain available until September 30, 2022, for research and development to prevent undue degradation of public lands due to hardrock mining activities.

Subtitle L—Arctic National Wildlife Refuge

SEC. 71201. PROTECTION OF THE ARCTIC NATIONAL WILDLIFE REFUGE OIL AND GAS PROGRAM.

Section 20001 of Public Law 115–97 is repealed and any leases issued pursuant to section 20001 of Public Law 115–97 are hereby cancelled and all payments related to the leases shall be returned to the lessee(s) within 30 days of enactment of this section.

Subtitle M—Outer Continental Shelf Oil and Gas Leasing

SEC. 71301. PROTECTION OF THE EASTERN GULF, PACIFIC, AND PACIFIC COASTS.

The Secretary of the Interior may not issue a lease or any other authorization for the exploitation, development, or production of oil or natural gas in any of the planning areas on the Outer Continental Shelf in the Pacific Region Planning Areas, in the Atlantic Region Planning Areas, or in the Eastern Gulf of Mexico Planning Area, on the map entitled “Outer Continental Shelf Lower 48 States Planning Areas” and dated October 18, 2021.

Subtitle N—Fossil Fuel Resources

SEC. 71401. ONSHORE FOSSIL FUEL ROYALTY.

All new onshore oil and gas leases issued by the Secretary of the Interior shall be conditioned upon the payment of a royalty at a rate of 18.75 percent in amount or value of the production from the lease. Before a terminated or cancelled oil or gas lease may be reissued by the Secretary of the Interior, back royalties must be paid, and future royalties shall be at a rate of 25 percent in amount or value of the production from the lease.

SEC. 71402. OFFSHORE OIL AND GAS ROYALTY RATE.

All new offshore oil and gas leases on submerged lands of the outer Continental Shelf granted by the Secretary shall be conditioned upon the payment of a royalty at a rate of not less than 14 percent in amount or value of the production from the lease.

SEC. 71403. OIL AND GAS MINE LEASES.

The onshore minimum acceptable bid charged by the Secretary of the Interior shall be $10 per acre on Federal lands in the contiguous United States authorized to be leased by the Secretary for production of oil and gas. The Secretary of the Interior shall by regulation, at least once every 4 years, adjust the dollar amount to reflect the change in inflation.

SEC. 71404. DEFERRED COAL BONUS PAYMENTS.

The Secretary of the Interior may not offer Federal coal leases under a system of deferred bonus payment.

SEC. 71405. FOSSIL FUEL RENTAL RATES.

The Secretary of the Interior shall require all onshore oil and gas leases in the contiguous United States to be conditioned upon payment by the lessee of a rental of $3 per acre per year during the 2-year period beginning on the date the lease begins for new leases, and after the end of such two-year period $5 per acre per year. The Secretary of the Interior shall by regulation, at least once every 4 years, adjust the dollar amounts to reflect the change in inflation.

A terminated onshore oil or gas lease may not be reinstated without the payment of back rentals in an amount that future rentals be at a rate of $20 per acre per year.

SEC. 71406. FOSSIL FUEL LEASE TERM LENGTH.

(a) A new coal lease issued by the Secretary of the Interior shall be for a term of 30 years. Any lease which is not producing in commercial quantities at the end of 5 years shall be terminated. The aggregate number of years during the period of any lease for which advance royalties may be accepted by the lessee in lieu of the continuity of continued operation shall not exceed 10 years.

(b) Leases for exploration for and development of oil and gas in the contiguous United States issued by the Secretary of the Interior shall be for a primary term of 5 years.

SEC. 71407. EXPRESSION OF INTEREST FEE.

(a) IN GENERAL.—The Secretary of the Interior shall charge a fee to any person who submits an expression of interest in leasing land in the contiguous United States available for disposition for exploration and development of oil or gas in an amount determined by the Secretary of the Interior under subsection (b).

(b) AMOUNT.—The fee authorized under subsection (a) shall be established by the Secretary of the Interior in an amount that is determined by the Secretary of the Interior to be appropriate to cover the aggregate cost of processing an expression of interest under this section, but not less than $10 nor more than $50 per acre of the area covered by the applicable expression of interest.

(c) ADJUSTMENT OF FEE.—The Secretary of the Interior shall, by regulation at least every 4 years, establish a higher expression of interest fee to reflect the change in inflation.

SEC. 71408. ELIMINATION OF NONCOMPETITIVE LEASES.

The Secretary of the Interior may not issue an oil or gas lease noncompetitively. Land made available by the Secretary of the Interior for oil or gas lease that is not accepted or received, or the land for which a lease terminates, expires, is cancelled, or is relinquished, may only be made available by the Secretary of the Interior for a new round of sealed, competitive bidding.

SEC. 71409. OIL AND GAS BONDING REQUIREMENTS.

Not later than 18 months after the date of enactment of this subtitle, the Secretary of the Interior shall publish a final rule in the Federal Register requiring that an adequate bond, surety, or other financial arrangement be provided by an oil or gas lessee prior to the commencement of surface-disturbing activities on an onshore oil and gas lease. The Secretary of the Interior shall by regulation ensure the complete and timely restoration and reclamation of any land, water, range, or other environmental resources adversely affected by lease activities or operations after the abandonment or cessation of oil and gas operations on the lease. The Secretary of the Interior shall find that a bond, surety or other financial arrangement required by rule or regulation is inadequate if it is for less than the complete and timely reclamation of the least tract, the restoration of any lands or surface waters adversely affected by lease operations, and, in the case of an idle well, the total plugging and reclamation costs for each idle well controlled by the same operator.

SEC. 71410. PER-ACRE LEASE FEES.

(a) OIL AND GAS LEASE FEES.—The Secretary of the Interior shall charge onshore and offshore oil and gas leaseholders the following annual, non-refundable fees:

(1) CONSERVATION OF RESOURCES FEE.—There is established a Conservation of Resources Fee of $4 per acre per year on new producing Federal onshore and offshore oil and gas leases.

(2) SPECULATIVE LEASING FEE.—There is established a Speculative Leasing Fee of $6 per acre per year on new nonproducing Federal onshore and offshore oil and gas leases.

(b) DEPOSIT.—All funds collected pursuant to subsection (a) shall be deposited into the United States Treasury General Fund.

(2) ADJUSTMENT FOR INFLATION.—The Secretary of the Interior shall, by regulation at least once every four years, adjust each fee created by subsection (a) to reflect any increase in inflation.

SEC. 71411. OFFSHORE OIL AND GAS INSPECTION FEES.

(a) IN GENERAL.—

(1) ESTABLISHMENT.—The Secretary of the Interior shall collect inspection fees from the operators of oil and gas facilities on the outer continental shelf subject to any environmental or safety regulation to prevent or ameliorate blowouts, spills, spills, or major accidents—

(A) at an aggregate level to offset the annual expenses of such inspections; and

(B) in a manner that reflect the differences in complexity among the classes of facilities to be inspected.

(2) ADJUSTMENT FOR INFLATION.—For each fiscal year beginning after fiscal year 2022, the Secretary of the Interior shall adjust the amount of the fees collected under this section for inflation.

(3) ANNUAL FEES FOR FISCAL YEAR 2022.—

(A) ANNUAL FEES.—For fiscal year 2022, the Secretary of the Interior shall collect annual fees from the operator of facilities that are above the waterline, excluding drilling rigs, and are in place at the start of the fiscal year in the following amounts:

(i) $11,725 for facilities with no wells, with processing equipment or gathering lines

(ii) $19,594 for facilities with 1 to 10 wells, with any combination of active or inactive wells

(iii) $35,176 for facilities with more than 10 wells, with any combination of active or inactive wells

(B) FEES FOR DRILLING RIGS.—For fiscal year 2022, the Secretary of the Interior may collect fees for each inspection from the operators of drilling rigs in the following amounts:
SEC. 71412. ONSHORE OIL AND GAS INSPECTION FEES.

(a) IN GENERAL.—The designated operator under each oil and gas lease on Federal land or any unit and communitization agreement that includes one or more such Federal leases that is subject to inspection and that is in force at the start of the fiscal year 2021 shall pay a non-refundable annual inspection fee in an amount that, on average, is not less than $50 per unit of area in subsection (b) established by the Secretary of the Interior by regulation and is sufficient to recover the full costs incurred by the United States for inspection and enforcement with respect to such leases.

(b) AMOUNT.—Until the effective date of regulations under subsection (a)—

(1) the amount of the fee for all leases shall be $1,000 for each lease, unit, or communitization agreement; and

(2) the Secretary of the Interior may increase the fees based upon the actual costs incurred for inspections.

(c) ASSESSMENT FOR FISCAL YEAR 2022.—For fiscal year 2022, the Secretary of the Interior shall assess the fee described under this section (b) established by the Secretary of the Interior by regulation and is sufficient to recover the full costs incurred by the United States for inspection and enforcement with respect to such leases.

SEC. 71413. SEVERANCE FEES.

The Secretary of the Interior shall collect annual, non-refundable fees on fossil fuels produced from new leases on Federal lands and the Outer Continental Shelf and deposit the funds into the United States Treasury General Fund. Such fees shall be—

(1) $0.50 per barrel of oil equivalent on oil and natural gas produced from Federal lands and the Outer Continental Shelf; and

(2) $2 per metric ton of coal produced from Federal lands.

SEC. 71414. IDLED WELL FEES.

(a) IN GENERAL.—The Secretary of the Interior shall, not later than 180 days after the date of enactment of this Act, issue regulations to require each operator of an idled well on Federal land and the Outer Continental Shelf to pay an annual, non-refundable fee for each such idled well that is in force at the end of the month in which the inspection occurred, with payment required not later than 30 days after such billing.

(b) DISPOSITION.—Amounts collected as fees under subsection (a) shall be deposited into the general fund of the Treasury.

(c) LEVIES.—

(1) ANNUAL FEES.—The Secretary of the Interior shall bill designated operators under subsection (a)(3)(A) annually, with payment required not later than 30 days after such billing.

(2) FEES FOR DRILLING RIGS.—The Secretary of the Interior shall bill designated operators under subsection (a)(3)(B) not later than 30 days following the end of the month in which the inspection occurred, with payment required not later than 30 days after such billing.

SEC. 71415. ANNUAL PIPELINE OWNERS FEES.

(a) IN GENERAL.—Not later than 180 days after the date of enactment of this section, the Bureau of Safety and Environmental Enforcement shall establish an annual fee on owners of existing and new offshore oil and gas pipelines defined as “DOI pipelines” under 30 C.F.R. 250.1001. No portion of such fee that is passed on to a lessee may be deducted as part of a lessee’s transportation allowance when calculating royalties due to the United States.

(b) AMOUNT.—The fee established under this paragraph shall be—

(1) $10,000 per mile for pipelines in water with a depth of 500 feet or greater; and

(2) $1,000 per mile for pipelines in water depth of under 500 feet.

SEC. 71416. ROYALTIES ON ALL EXTRACTED METHANE.

(a) IN GENERAL.—Except as provided in subsection (b), royalties paid for gas produced from Federal lands and on the Outer Continental Shelf shall be assessed on all gas produced, including—

(1) gas sold or consumed within the area of the lease tract for the benefit of the lease; and

(2) all gas that is consumed or lost by venting, flaring, or fugitive releases through any equipment during upstream operations.

(b) EXCEPTION.—Subsection (a) shall not apply with respect to gas vented or flared for not longer than 48 hours in an acute emergency situation that poses a danger to human health.

SEC. 71417. ELIMINATION OF ROYALTY RELIEF.

(a) LIMITATION ON AUTHORITY.—The Secretary of the Interior may not reduce, eliminate, or suspend royalties or net profit share for any oil and gas leases on the Outer Continental Shelf. Royalty relief may not be permitted on any future oil and gas leases on the Outer Continental Shelf.

(b) REPEAL.—Section 39 of the Mineral Leasing Act (30 U.S.C. 190) is repealed.

Subtitle O—United States Geological Survey Title 71501. UNITED STATES GEOLOGICAL SURVEY AND RESEARCH PROGRAM.

In addition to amounts otherwise available, there is appropriated to the Director of the United States Geological Survey for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,573,550,000, to remain available until September 30, 2023, for the purchase of electric delivery vehicles.

SEC. 80002. FUNDING FOR GENERAL SERVICES ADMINISTRATION OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Inspector General of the General Services Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $5,000,000, to remain available until September 30, 2023, to support oversight of General Services Administration activities implemented pursuant to this Act.

SEC. 80003. UNITED STATES POSTAL SERVICE CLEAN FLEETS.

In addition to amounts otherwise available, there is appropriated to the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $3,411,450,000, to remain available until September 30, 2023, for the purchase, design, and installation of the requisite infrastructure to support electric delivery vehicles at facilities that the United States Postal Service owns or leases from non-Federal entities.

SEC. 80004. UNITED STATES POSTAL SERVICE OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Inspector General of the United States Postal Service for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $15,000,000, to remain available until September 30, 2023, for necessary expenses of the Government Accountability Office to support the oversight of—

(1) the distribution and use of funds appropriated under this Act; and

(2) whether the economic, social, and environmental impacts of the funds described in paragraph (1) are equitable.

SEC. 80006. OFFICE OF MANAGEMENT AND BUDGET OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the Office of Management and Budget for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $25,000,000, to remain available until September 30, 2023, for necessary expenses to—

(1) support the implementation of this Act; and

(2) track labor, equity, and environmental standards and performance.

SEC. 80007. GENERAL SERVICES ADMINISTRATION EMERGING TECHNOLOGIES.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2023, for the Regional and National Climate Adaptation Science Centers to provide localized information to help communities respond to climate change.
money in the Treasury not otherwise appropriated, $975,000,000, to remain available until September 30, 2026, for emerging and sustainable technologies, and related sustainability and environmental benefits.

SEC. 89008. GENERAL SERVICES ADMINISTRATION PROCUREMENT AND TECHNOLOGY.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022 out of any money in the Treasury not otherwise appropriated, $3,250,000,000, to remain available until September 30, 2026, for the purchase of General Services, and systems to improve energy efficiency, promote the purchase of lower-carbon materials, and reduce the carbon footprint.

SEC. 89009. TECHNOLOGY MODERNIZATION FUND.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $250,000,000, to remain available until September 30, 2026, to carry out the purposes of the Technology Modernization Fund.

SEC. 89010. FEDERAL CITIZENS SERVICES FUND.

In addition to amounts otherwise available, there is appropriated to the Administrator of General Services for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, to carry out the purposes of the Federal Citizens Services Fund.

SEC. 89011. INFORMATION TECHNOLOGY OVERSIGHT AND REFORM FUND.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2026, $50,000,000 for the Information Technology Oversight and Reform Fund.

TITLE IX—COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

SEC. 90001. DEPARTMENT OF ENERGY RESEARCH, DEVELOPMENT, AND DEMONSTRATION.

(a) OFFICE OF ENERGY EFFICIENCY AND RENEWABLE ENERGY.—In addition to amounts otherwise available, there is appropriated to the Department of Energy Office of Energy Efficiency and Renewable Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out demonstration projects, including the demonstration of advanced energy technologies.

(b) OFFICE OF SCIENCE.—In addition to amounts otherwise available, there is appropriated to the Office of Science of the Department of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,000,000,000, to remain available until September 30, 2026, to carry out research and development activities to help reduce the impacts of climate change on human health and welfare; the issuance of award grants for the collection of regional and local climate data to better estimate the economic impacts of climate change and support community-based responses to climate change to better anticipate, prepare for, and recover from climate-driven extreme events; research on the impacts of climate change, and the cumulative impacts of pollution exposure, in low-income and disadvantaged communities.

SEC. 90002. AVAILABILITY OF HIGH-ASSAY LOW-ENRICHED URANIUM.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Energy for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until September 30, 2026, $50,000,000 to carry out the program elements described in subparagraphs (D) through (H) of section 2001(a)(2) of the Energy Act of 2020 (42 U.S.C. 16381(a)(2)), and for related administrative expenses.

(b) COMPETITIVE PROCEDURES.—To the maximum extent practicable, the Department of Energy shall, in a manner consistent with section 908 of the Energy Policy Act of 2005 (42 U.S.C. 16353), use a competitive, merit-based review process in carrying out research, development, demonstration, and deployment activities under section 2001 of the Energy Act of 2020 (42 U.S.C. 16381).

SEC. 90003. AIR QUALITY AND CLIMATE RESEARCH.

In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000 to remain available until September 30, 2026, for air quality and climate research in support of research related to climate change mitigation, adaptation and resilience activities to help reduce the impacts of climate change on human health and welfare; the issuance of award grants for the collection of regional and local climate data to better estimate the economic impacts of climate change and support community-based responses to climate change to better anticipate, prepare for, and recover from climate-driven extreme events; research on the impacts of climate change, and the cumulative impacts of pollution exposure, in low-income and disadvantaged communities.

SEC. 90004. PFAS REPLACEMENT ASSISTANCE TO FIREFIGHTERS GRANTS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $55,000,000, to remain available until September 30, 2023, for the Federal Emergency Management Agency for grants for personal protective firefighting equipment and firefighting foam that does not contain perfluoralkyl or polyfluoralkyl substances.

(b) PROGRAM ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2023, for the Office of Inspector General to exercise oversight over the management of funds appropriated under sections 90005 and 90006.

SEC. 90005. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION INFRASTRUCTURE.

In addition to amounts otherwise available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $474,000,000, to remain available until September 30, 2028, for repair, re-capitalization, modification, modernization, and construction of physical infrastructure and facilities, including the purchase of new or existing equipment, for research, development, testing, and associated administrative expenses, consistent with the responsibilities under sections 31502 and 31503 of title 51, United States Code.

SEC. 90006. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION CLIMATE RESEARCH AND DEVELOPMENT.

In addition to amounts otherwise available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $85,000,000, to remain available until September 30, 2028—

(1) $30,000,000 for investments in data management and processing to support research, development, and application to observe, and mitigate climate change and its impacts, consistent with NASA's mission to expand human knowledge of the Earth, as carried out through programs under the Earth Science Division, and for research and development activities on upper atmosphere research, and for related administrative expenses;

(2) $30,000,000 for investments in data management and processing to support research, development, and application to observe, and mitigate climate change and its impacts, consistent with NASA's mission to expand human knowledge of the Earth, as carried out through programs under the Earth Science Division, and for related administrative expenses;

(3) $25,000,000 for research and development to support the wildfire fighting community and improve wildfire fighting operations through new and existing programs under the authority of the Administrator of the National Aeronautics and Space Administration, and for related administrative expenses; and

(4) $225,000,000 for aeronautics research and development on sustainable aviation, consistent with sections 40701 and 40702 of title 51, United States Code, and for related administrative expenses.

SEC. 90007. NATIONAL AERONAUTICS AND SPACE ADMINISTRATION OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there are appropriated to the National Aeronautics and Space Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000, to remain available until September 30, 2023, for the Office of Inspector General to exercise oversight of the management of funds appropriated under section 90005 and 90006.
SEC. 90008. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for research and training pursuant to section 402(b)(2) of the America COMPETES Act (32 U.S.C. 893a(b)(2)), and for increased development and dissemination of climate science information, products, and services, in support of climate adaptation preparedness as it relates to weather, ocean, coastal, and atmospheric processes and conditions, impacts of climate change on marine resources, and coastal and marine habitat, and for related administrative expenses.

SEC. 90009. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY HOLLINGS MANUFACTURING EXTENSION PARTNER-Ship.

In addition to amounts otherwise available, there are appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2028, for the Hollings Manufacturing Extension Partnership of the National Institute of Standards and Technology and for related administrative expenses.

SEC. 90010. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY MANUFACTURING.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2028, for the provision of advanced manufacturing research, development, and testbeds, through new and existing programs and partnerships, and for related administrative expenses; and

(2) $20,000,000, to remain available until September 30, 2028, for development and demonstration of a cybersecurity workforce training center, and for related administrative expenses.

SEC. 90011. NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY RESEARCH INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated to the National Institute of Standards and Technology for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $650,000,000, to remain available until September 30, 2028, for the upgrade, replacement, maintenance, or renovation of facilities and equipment as necessary to conduct laboratory activities, and for related administrative expenses.

SEC. 90012. OCEANIC AND ATMOSPHERIC RESEARCH AND FORECASTING FOR WEATHER AND CLIMATE.

(a) FORECASTING RESEARCH.—In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, to accelerate advances and improvements in research, observation systems, modeling, forecasting, and communications, and dissemination of information to the public as it pertains to ocean and atmospheric processes related to weather, oceans, and climate, and to carry out section 132(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(a)), and for related administrative expenses.

(b) RESEARCH GRANTS AND SCIENCE INFORMATION, PRODUCTS, AND SERVICES.—In addition to amounts otherwise available, there are appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $100,000,000, to remain available until September 30, 2028, for (1) $100,000,000 for competitive grants to fund climate research as it relates to weather, ocean, coastal, and atmospheric processes and conditions, and the effects of climate change on marine species and habitats, and for related administrative expenses; and

(2) $100,000,000 for education and training pursuant to section 402(b)(2) of the America COMPETES Act (32 U.S.C. 893a(b)(2)), and for increased development and dissemination of climate science information, products, and services, in support of climate adaptation preparedness as it relates to weather, ocean, coastal, and atmospheric processes and conditions, impacts of climate change on marine species and habitats, and for related administrative expenses.

(c) RESEARCH INFRASTRUCTURE AND PROCUREMENT.—In addition to amounts otherwise available, there are appropriated—

(1) $1,520,000,000, to remain available until September 30, 2026, for the Hollings Manufacturing Extension Partnership of the National Science Foundation Act of 1950 (42 U.S.C. 1862(e)), and for related administrative expenses; and

(2) $500,000,000, to remain available until September 30, 2028, for climate change research as it relates to fundamental understanding of physical, chemical, biological, and human systems and for research security activities; and

SEC. 90013. CLIMATE EDUCATION.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,520,000,000, to remain available until September 30, 2026, to fund and administer the Disaster Relief (50 U.S.C. 201(d)(1)(A) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8531(d)(1)(A)), and for related administrative expenses;

(2) $200,000,000, to remain available until September 30, 2026, for contracts, grants, and technical assistance for education about climate science information, products, and services and conditions and marine fisheries and resources, and for related administrative expenses. None of the funds provided by this subsection shall be subject to cost-sharing or matching requirements.

SEC. 90014. COMPUTING CAPACITY AND RESEARCH FOR WEATHER, OCEANS, AND CLIMATE.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $200,000,000, to remain available until September 30, 2026, for the procurement of additional high-performance computing, data management, data storage, and seismic infrastructure awards under the direction of the National Science Foundation, and for related administrative expenses.

SEC. 90015. ACQUISITION OF HURRICANE FORECASTING AIRCRAFT.

In addition to amounts otherwise available, there is appropriated to the National Oceanic and Atmospheric Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2026, for acquisition of hurricane hunter aircraft under section 413(a) of the Weather Research and Forecasting Innovation Act of 2017 (15 U.S.C. 8549(a)).

SEC. 90016. NATIONAL SCIENCE FOUNDATION CORE RESEARCH.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $35,000,000, to remain available until September 30, 2028, for the repair, renovation, or, in exceptional cases, replacement of obsolete science and engineering facilities primarily devoted to research and research training, and for related administrative expenses; and

(2) $200,000,000, to remain available until September 30, 2026, for additional mid-scale and new research instrumentation, equipment, and infrastructure awards under the direction of the National Science Foundation, and for related administrative expenses; and

(3) $100,000,000, to remain available until September 30, 2028, for academic research facilities modernization and research instrumentation, including construction, upgrade, renovation, or repair of research infrastructure, at historically Black colleges and universities, Tribal Colleges and Universities, Hispanic-serving institutions, and other minority-serving institutions, through programs of the National Science Foundation, and for related administrative expenses.

SEC. 90017. NATIONAL SCIENCE FOUNDATION TECHNOLOGY, INNOVATION, AND PARTNERSHIPS DIRECTORATE.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $1,520,000,000, to remain available until September 30, 2026, for the Director, Technology, Innovation, and Partnerships, which shall accelerate use-inspired and translational research and the development, commercialization, and use of technologies and innovations of national importance, including technologies and innovations relevant to natural disaster mitigation and other societal challenges, through programs of the National Science Foundation, and for related administrative expenses; and

(2) $25,000,000, to remain available until September 30, 2026, for research security activities; and

(3) $100,000,000, to remain available until September 30, 2028, for research security activities; and

(4) $200,000,000, to remain available until September 30, 2026, for fire education, training, and inclusion, scholarships, through programs of the National Science Foundation, and for related administrative expenses.

SEC. 90018. NATIONAL SCIENCE FOUNDATION RESEARCH INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $200,000,000, to remain available until September 30, 2026, for the repair, renovation, or, in exceptional cases, replacement of obsolete science and engineering facilities primarily devoted to research and research training, and for related administrative expenses; and

(2) $200,000,000, to remain available until September 30, 2026, for additional mid-scale and new research instrumentation, equipment, and infrastructure awards under the direction of the National Science Foundation, and for related administrative expenses; and

(3) $100,000,000, to remain available until September 30, 2028, for academic research facilities modernization and research instrumentation, including construction, upgrade, renovation, or repair of research infrastructure, at historically Black colleges and universities, Tribal Colleges and Universities, Hispanic-serving institutions, and other minority-serving institutions, through programs of the National Science Foundation, and for related administrative expenses.

SEC. 90019. NATIONAL SCIENCE FOUNDATION OVERSIGHT.

In addition to amounts otherwise available, there is appropriated to the National Science Foundation for fiscal year 2022, out of any money in the Treasury not otherwise appropriated.
money in the Treasury not otherwise appropriated, $7,000,000, to remain available until September 30, 2030, for administrative expenses of the Inspector General relating to oversight of funds provided to the National Science Foundation under this Act. 

**TITLE X—COMMITTEE ON SMALL BUSINESS**

**Subtitle A—Increasing Federal Contracting Opportunities for Small Businesses**

**SEC. 108101. VETERAN FEDERAL PROCUREMENT ENTREPRENEURSHIP TRAINING PROGRAM.**

(a) **APPROPRIATIONS.**—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2022, for carrying out subsection (h) of section 32 of the Small Business Act (15 U.S.C. 657b), as added by this section.

(b) **ESTABLISHMENT.**—Section 32 of the Small Business Act (15 U.S.C. 657b) is amended by adding at the end the following:

“(h) **VETERAN FEDERAL PROCUREMENT ENTREPRENEURSHIP PROGRAM.**—The Administrator, acting through the Associate Administrator, shall make grants to, or enter into cooperative agreements with, non-profit entities to operate a federal procurement entrepreneurship training program to provide assistance to small business concerns owned and controlled by veterans regarding how to increase the likelihood of being awarded contracts with the Federal Government. A grant or cooperative agreement under this subsection—

(1) shall be made to or entered into with non-profit entities that have a track record of successfully providing educational and job training services to veteran populations from diverse locations; and

(2) shall include terms under which the non-profit entities shall use a diverse group of professional service experts, such as Federal, State, and local contracting experts and private sector industry experts with first-hand experience in Federal Government contracting, to provide assistance to small business concerns owned and controlled by veterans through a program operated under this section.”

**SEC. 108102. EXPANDING SURETY BOND PROGRAM.**

(a) **APPROPRIATIONS.**—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2022, for carrying out subsection (h) of section 49 of the Small Business Act, as added by subsection (b); and

(b) **ESTABLISHMENT.**—The Small Business Act is amended—

(1) by redesigning section 49 (15 U.S.C. 631 note) as section 54; and

(2) by inserting after section 48 the following:

**SEC. 49. UPLIFT INCUBATORS.**

(a) **DEFINITIONS.**—In this section:

(1) **ECONOMIC DEVELOPMENT ORGANIZATION.**—The term ‘economic development organization’—

(A) means a regional, State, tribal, or local private nonprofit organization established for purposes of providing or otherwise facilitating economic development; and

(B) includes community financial institutions, as defined in section 7(a)(36)(A).

(2) **ELIGIBLE APPLICANT.**—The term ‘eligible applicant’ means—

(A) an economic development organization;

(B) an SBA partner organization;

(C) a historically black college or university;

(D) an institution of higher education, as described in section 37(a) of the Higher Education Act; or

(E) a junior or community college.

(3) **ELIGIBLE SMALL BUSINESS CONCERN.**—The term ‘eligible small business concern’ means a business concern that—

(A) is organized or incorporated in the United States;

(B) is operating primarily in the United States;

(C) meets—

(i) the applicable industry-based size standard established under section 3; or

(ii) the alternate size standard applicable to the program under section 3(a) or the loan programs under title V of the Small Business Investment Act of 1958;

(D) is—

(i) in the planning stages or has been in business for not more than 5 years as of the date on which assistance under this section commenced;

(ii) a small business contractor; and

(E) is—

(i) owned and controlled by 1 or more members of an underrepresented community; or

(ii) a Native Entity.

(4) **HISTORICALLY BLACK COLLEGE OR UNIVERSITY.**—The term ‘historically black college or university’ means a ‘part B institution’, as defined in section 311(a) of the Higher Education Act of 1965.

(5) **MEMBER OF AN UNDERREPRESENTED COMMUNITY.**—The term ‘member of an underrepresented community’ means an individual—

(A) who is a resident of—

(i) a low-income community, as defined in section 45(e) of the Internal Revenue Code of 1986;

(ii) a low-income rural community; or

(iii) a HUBZone, as defined in section 31(b);

(B) who is an Indian or Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including perimeter lands) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

(C) with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;

(D) who is a veteran;

(E) who completed a term of imprisonment; or

(F) who is otherwise identified by the Administrator.

(6) **NATIVE ENTITY.**—The term ‘Native Entity’ means—

(A) an Alaska Native Corporation, as defined in section 3(m) of the Alaska Native Claims Settlement Act; or

(B) a Native Hawaiian organization, as defined in section 6207 of the Elementary and Secondary Education Act of 1965.

(c) **SBA PARTNER ORGANIZATION.**—The term ‘SBA partner organization’ means any organization awarded financial assistance in the form of a grant, prize, cooperative agreement, or contract for the purpose of conducting a public project funded, either in whole or in part, under a program of the Administration.

(d) **SMALL GOVERNMENT CONTRACTOR.**—The term ‘small government contractor’ means a small business concern that is performing a government contract or subcontract.

(e) **UPLIFT INCUBATOR.**—The term ‘uplift incubator’ means an organization that is designed to accelerate the growth and success of startups and small business concerns through a variety of business support resources and services, including—

(A) access to physical workspace and facilities;

(B) access to capital, business education, and counseling;

(C) networking opportunities;

(D) mentorship opportunities;

(E) assistance in becoming prime contractors and submitting bids for prime contracts;

(F) conducting market research, drafting statements, and identifying acquisition authorities by which eligible small business concerns assisted under this section may enter into Federal contracts or agreements; and

(G) other services intended to aid in developing a business.

(2) **AUTHORITY.**—The Administrator may provide financial assistance on a competitive basis in the form of a grant, prize, cooperative agreement, or contract to an eligible applicant for purposes of—

(1) providing the services of an uplift incubator to eligible small business concerns; or

(2) expanding or strengthening the network of the eligible applicant to provide the services of an uplift incubator to eligible small business concerns.

(3) **USE OF FUNDS.**—An eligible applicant that receives assistance under this section—

(1) shall support areas that serve members of an underrepresented community by providing the services of an uplift incubator; and

(2) shall not impose or otherwise collect a fee or other compensation from eligible small business concerns in connection with the provision of such services.

(4) **PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.**—At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible applicant or order the eligible applicant to return any assistance provided under this section for failure to abide by the terms and conditions of such assistance."

**SEC. 108202. OFFICE OF NATIVE AMERICAN AFFAIRS.**

(a) **APPROPRIATIONS.**—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated for fiscal year 2022, $10,000,000, to remain available until September 30, 2029, to carry out section 50 of the Small Business Act, as added by subsection (b).

(b) **ESTABLISHMENT.**—The Small Business Act is amended by inserting after section 49, as
SEC. 50. OFFICE OF NATIVE AMERICAN AFFAIRS.

(a) DEFINITIONS.—In this section:

(1) ALASKA NATIVE CORPORATION.—The term ‘Alaska Native Corporation’ has the meaning given the term section 3(m) of the Alaska Native Claims Settlement Act.

(2) INDIAN TRIBE.—The term ‘Indian Tribe’ means any Indian Tribe, native Alaska Native tribe, band, nation, pueblo, village, community, component band, or component reservation, individually identified (including ethnically) in the most recently published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994.

(3) NATIVE AMERICAN.—The term ‘Native American’ means a member of an Indian Tribe.

(4) NATIVE HAWAIIAN ORGANIZATION.—The term ‘Native Hawaiian Organization’ has the meaning given in section 2607 of the Elementary and Secondary Education Act of 1965.

(b) RESOURCE PARTNERS.—The term ‘resource partners’ means—

(A) small business development centers;

(B) women’s business centers described in section 29;

(c) chapters of the Service Corps of Retired Executives established under section 8(b)(1)(B); and

(D) Veteran Business Outreach Centers described in section 32.

(c) ESTABLISHMENT.—There is established in the Administration an Office of Native American Affairs, in this section referred to as the Office, which shall provide entrepreneurship outreach and development assistance to Native Americans, Native Hawaiian Organizations and members thereof, Alaska Native Corporations and members thereof, and Indian Tribes, through the Native American Outreach Program established under subsection (c).

(1) NATIVE AMERICAN OUTREACH PROGRAM.—

(A) ESTABLISHMENT.—The Administrator shall establish and administer a Native American Outreach Program within the Office—

(i) to ensure that small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, Alaska Native Corporations, and Indian Tribes, and Native American entrepreneurs have access to programs and services of the Administration;

(ii) to provide information to State, local, and tribal governments and other interested persons about Federal assistance available to small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, Alaska Native Corporations, and Indian Tribes, and Native American entrepreneurs; and

(iii) to in-person and virtual counseling and training services to small business concerns owned and controlled by Native Americans, Native Hawaiian Organizations, Alaska Native Corporations, and Indian Tribes, and Native American entrepreneurs.

(B) SERVICES.—The services described in paragraph (1) shall include—

(i) financial education on applying for and securing credit, loan guarantees, surety bonds, and investment capital, managing financial operations, and presenting financial statements and business plans;

(ii) education on management of a small business concern, including planning, organizing, and implementing marketing;

(iii) identifying market opportunities; and

(iv) implementing economic and business development strategies to improve long-term job growth.

SEC. 100204. OFFICE OF EMERGING MARKETS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration out of any money in the Treasury not otherwise appropriated, there is appropriated—

(1) $190,000,000 for carrying out section 51 of the Small Business Act, as added by subsection (b); and

(2) $10,000,000 for administrative expenses and oversight costs related to carrying out section 51 of the Small Business Act, as added by subsection (b).

(b) IN GENERAL.—The Small Business Act is amended by inserting after section 99, as added by section 109022 of this title, the following:

‘‘SEC. 51. GROWTH ACCELERATOR COMPETITION.

(1) DEFINITIONS.—In this section—

(A) ‘award’ means a grant, prize, contract, cooperative agreement, or other cash or cash equivalent.

(B) ‘disability’ has the meaning given the term in section 3 of the Americans with Disabilities Act of 1990.

(C) ‘eligible entity’ means—

(i) an eligible applicant, as defined in section 49; or

(ii) an organization that is a growth accelerator located in the United States.

(D) ‘growth accelerator’ means an organization that—

(i) supports new small business concerns that have a focus on technology, research, and development;

(ii) works with new small business concerns for a predetermined amount of time;

(iii) provides mentorship and instruction to small business concerns to grow the business concern; or

(iv) offers startup capital or the opportunity to raise capital from outside investors to small business concerns.

(E) ‘new small business concern’ means a small business concern that has been in operation for not more than 5 years.

(F) ‘office’ means—

(i) the Office of Emerging Markets established under section (b); and

(ii) the Office of Capital Access of the Administration.

(G) ‘recipient’ means—

(i) an eligible entity or order the eligible entity to return an award made under this section for failure to abide by the terms and conditions of award.

(h) USE OF FUNDS.—An award under this section—

(i) may be used by an eligible entity recipient for construction costs, acquisition of physical workspace and facilities, and programmatic purposes to benefit new small business concerns; and

(ii) may not be used by an eligible entity recipient to provide capital to new small business concerns directly or through the subaward of funds.

(i) PENALTIES FOR FAILURE TO ABIDE BY TERMS OR CONDITIONS OF AWARD.—At the discretion of the Administrator and in addition to any other civil or criminal consequences, the Administrator shall withhold payments to an eligible entity or order the eligible entity to return an award made under this section for failure to abide by the terms and conditions of award.

(j) SUBTITLE D—Encouraging Small Businesses to Fully Engage in the Innovation Economy

SEC. 100205. STATE TRADE EXPANSION PROGRAM.

In addition to amounts otherwise available, there are appropriated to The Office of International Trade of the Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated—

(1) $31,710,000, to remain available until September 30, 2027, to carry out section 22(l) of the Small Business Act (15 U.S.C. 649(l)) in fiscal year 2022, and

(2) $31,710,000, to remain available until September 30, 2027, to carry out section 22(l) of the Small Business Act (15 U.S.C. 649(l)) in fiscal year 2024.
Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $20,000,000, to remain available until September 30, 2031, for carrying out this section.

(b) ESTABLISHMENT.—The Small Business Investment Act of 1958, is amended—

(1) in section 103 (15 U.S.C. 662) (III) by striking ‘‘in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee’’; and

(2) in section 304 (15 U.S.C. 644), by adding at the end the following:

(e) NOTWITHSTANDING section 310(c)(6), a license under section 321 may, subject to rules to be issued by the Administration, invest equity capital in investment funds that—

(1) are majority controlled by members of an underrepresented community, as defined in section 49 of the Small Business Act;

(2) receive annual assistance provided by such licensees; or

(3) meet additional criteria as determined by the Administration; and

(f) by adding at the end of the following:

SEC. 321. EMERGING MANAGERS PROGRAM.

(a) DEFINITIONS.—In this section:

(1) COVERED INVESTMENTS.—The term ‘‘covered investments’’ means investments in—

(A) infrastructure, including—

(i) roads, bridges, and mass transit;

(ii) water supply and sewer;

(iii) the electrical grid;

(iv) broadband and telecommunications;

(v) clean energy;

(vi) child care and elder care;

(B) manufacturing;

(C) low-income communities, as that term is defined in section 45D(e) of the Internal Revenue Code of 1986;

(D) HB 2 Zones, as defined in section 3(b) of the Small Business Act;

(E) small business concerns owned and controlled by a member of an Indian tribe individually identified (including parenthetically) in the most recent list published pursuant to section 104 of the Federally Recognized Indian Tribe List Act of 1994;

(F) small business concerns owned and controlled by a member of an Indian tribe with a disability, as defined in section 3 of the Americans with Disabilities Act of 1990;

(G) small business concerns owned and controlled by a veteran; or

(H) industries identified by the Administrator.

(2) EMERGING MANAGER COMPANY.—The term ‘‘emerging manager company’’ means an investment management company that is focused on investing private equity and that meets not less than two of the following criteria:

(A) The firm or any of the firm have—

(i) an investment track record of less than 10 years of combined investment experience; or

(ii) a documented record of successful business experience;

(B) The firm has a focus on underserved markets.

(C) The firm is not less than 50 percent owned, managed, or controlled by members of an underrepresented community (as defined in section 49 of the Small Business Act).

(b) ESTABLISHMENT.—The Administrator shall establish an emerging managers program pursuant to which managers with substantial experience in operating small business investment companies, and that have the capability to provide guidance and assistance to an applicant for a license for a small business investment company that is to be managed by an emerging manager company; and

(a) may hold a minority financial interest in the small business investment company described in paragraph (1); and

(c) LICENSEE.—An applicant described in subsection (b) may apply for a license under section 301(c) and shall—

(1) have private capital not to exceed $100,000.000; and

(2) be managed by not less than two individuals;

(3) be a second generation fund or earlier;

and

(4) focus its investment strategy on covered investments.

(d) WAIVER OF MAXIMUM LEVERAGE.—The appropriate official in a written agreement under subsection (b) by the Administrator shall operate as a waiver of the requirements of section 303(b)(2)(B) to the extent that such section would otherwise apply.

(2) in paragraph (9)(B)(iii)—

(A) in section 103 (15 U.S.C. 662)—

(1) in subsection (a), by striking ‘‘33 percent’’; and

(b) in section 303(b)(2)(B)—

(1) in paragraph (1), by striking ‘‘in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee’’; and

(2) in paragraph (4), by striking ‘‘in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee’’;

(3) be a second generation fund or earlier;

(4) focus its investment strategy on covered investments.

(d) WAIVER OF MAXIMUM LEVERAGE.—The appropriate official in a written agreement under subsection (b) by the Administrator shall operate as a waiver of the requirements of section 303(b)(2)(B) to the extent that such section would otherwise apply.

(2) in paragraph (9)(B)(iii)—

(A) in section 103 (15 U.S.C. 662)—

(1) in subsection (a), by striking ‘‘33 percent’’;

(b) in section 303(b)(2)(B)—

(1) in paragraph (1), by striking ‘‘in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee’’; and

(2) in paragraph (4), by striking ‘‘in an aggregate amount that does not exceed 33 percent of the private capital of the applicant or licensee’’.

(3) LEVERAGE.—A company licensed pursuant to this paragraph shall—

(1) require the licensee to receive leverage in an amount that is more than $50,000,000; and

(2) be managed by no less than two individuals;

(3) be a second generation fund or earlier;

and

(4) focus its investment strategy on covered investments.

(d) WAIVER OF MAXIMUM LEVERAGE.—The appropriate official in a written agreement under subsection (b) by the Administrator shall operate as a waiver of the requirements of section 303(b)(2)(B) to the extent that such section would otherwise apply.

(e) INCREASED LEVERAGE MAXIMUM.—An existing small business investment company that enters into a written agreement under subsection (b) may receive an increase in the maximum leverage cap of the company under section 303(b)(2)(B).

(1) under subparagraph (A) of such section, with respect to a single license, by not more than $17,500,000; and

(2) under subparagraph (B) of such section, with respect to multiple licenses under common control, by not more than $35,000,000.

SEC. 100403. MICROCAP SMALL BUSINESS INVESTMENT COMPANY LICENSE.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Administrator for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $40,000,000, to remain available until September 30, 2031, for carrying out this section.

(b) OUTREACH AND EDUCATION.—The Administrator shall develop and implement a program to promote, to conduct outreach to, and educate prospective licensees on the licensing procedures and other programs of small business investment companies under title III of the Small Business Investment Act of 1958.

Title E—Increasing Access to Lending and Investment Capital

SEC. 100501. FUNDING FOR COMMUNITY ADVANTAGE LOANS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,500,000, to remain available until September 30, 2031.

(b) OUTREACH AND EDUCATION.—The Administrator shall develop and implement a program to promote, to conduct outreach to, and educate prospective licensees on the licensing procedures and other programs of small business investment companies under title III of the Small Business Investment Act of 1958.

Title E—Increasing Access to Lending and Investment Capital

SEC. 100501. FUNDING FOR COMMUNITY ADVANTAGE LOANS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,000,000, to remain available until September 30, 2031.

(b) OUTREACH AND EDUCATION.—The Administrator shall develop and implement a program to promote, to conduct outreach to, and educate prospective licensees on the licensing procedures and other programs of small business investment companies under title III of the Small Business Investment Act of 1958.

Subtitle E—Increasing Access to Lending and Investment Capital
“(ii) the term ‘new business’ means a small business concern that has been in business for not more than 2 years on the date on which a loan is made to the small business concern under paragraph (3);”

“(iii) the term ‘program’ means the Community Advantage Loan Program established under subparagraph (B);”

“(iv) the term ‘small business concern in an underserved market’ means a small business concern—”  

“(a) that is located in—

“(aa) a rural area; or

“(bb) a HUBZone, as that term is defined in section 3(b);”

“(c) owned and controlled by an individual who has completed a term of imprisonment;”

“(d) owned and controlled by an individual with a disability, as that term is defined in section 3 of the Americans with Disabilities Act of 1990;”

“(e) owned and controlled by a member of an Indian tribe individually identified (including parenthetically) in the most recent list published under section 101 of the Federally Recognized Indian Tribe List Act of 1994;”

“(f) otherwise identified by the Administrator;”

“(B) ESTABLISHMENT.—There is established a Community Advantage Loan Program under which the Administration may guarantee loans made by covered institutions under this subsection, in accordance with this paragraph;”

“(C) REQUIREMENT TO MAKE LOANS TO UNDERSERVED MARKETS.—Not less than 60 percent of loans made by a covered institution under the program shall consist of loans made to small business concerns in an underserved market;”

“(D) LIMITATION.—”

“(i) IN GENERAL.—Except as provided in clause (ii), the maximum loan amount for a loan guaranteed under this program is $250,000.

“(ii) EXCEPTIONS.—”

“(I) REQUESTED EXCEPTION.—”

“(a) Upon request by a covered institution, the Administrator may guarantee a loan under the program that is more than $250,000 and not more than $500,000.

“(b) NOTIFICATION.—As soon as practicable and not later than 14 business days after receiving a request under item (aa), the Administration shall—

“(A) review the request; and

“(B) provide a decision regarding the request to the covered institution making the loan.

“(II) MAJOR DISASTERS.—The maximum loan amount guaranteed under the program that is made to a small business concern located in an area affected by a major disaster described in subsection (b)(2)(A) is $350,000.

“(III) INTEREST RATES.—The maximum interest rate for a loan guaranteed under the program shall not exceed the maximum interest rate, as determined by the Administration, applicable to other loans guaranteed under this subsection.”

“SEC. 100502. FUNDING FOR CREDIT ENHANCEMENT AND SMALL DOLLAR LOAN PROGRAM

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $1,480,600,000 to carry out paragraph (29) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by subsection (b); and

(b) SMALL DOLLAR LOAN FUNDING.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by section 100501, is further amended—

“(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Treasury not otherwise appropriated, $35,000,000, to remain available until September 30, 2026, for carrying out this section and any amendments made by this section.

“SEC. 100506. FUNDING FOR COOPERATIVE LENDING PILOT.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $30,000,000, to remain available until September 30, 2026, for carrying out this section.

“SEC. 100503. EXTENSION OF TEMPORARY FEE REDUCTIONS.

(a) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $890,000,000, to remain available until September 30, 2026, for carrying out this section and any amendments made by this section.

“Subtitle F—Supporting Entrepreneurial Second Chances

SEC. 100601. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED AND FORMERLY INCARCERATED INDIVIDUALS.

(a) REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED INDIVIDUALS.—

“(1) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration for fiscal year 2022, out of any money in the Treasury not otherwise appropriated for fiscal year 2022, $35,000,000, to remain available...
until September 30, 2029, to carry out section 52 of the Small Business Act, as added by paragraph (2).

(2) In General.—The Small Business Act is amended by adding after section 52, as added by section 10301 of this title, the following:

**SEC. 52. REENTRY ENTREPRENEURSHIP COUNSELING AND TRAINING FOR INCARCERATED INDIVIDUALS.**

(1) Definitions.—In this section:

(A) covered individual.—The term ‘covered individual’ means an individual who is completing a term of imprisonment in a facility as defined by this section, as necessary in section 7(m)(1) of the Small Business Act (15 U.S.C. 636(m)).

(B) microloan.—The terms ‘microloan’ and ‘microloans’ have the meanings given those terms, respectively, in section 7(m)(11) of the Small Business Act (15 U.S.C. 636(m)(11)).

(C) microbusiness entrepreneur.—The term ‘microbusiness entrepreneur’ means an individual who completed a term of imprisonment, as defined by this section, the term ‘covered individual’ means an individual who is completing a term of imprisonment in a facility as defined by this section, or a covered individual pursuant to subsection (c).

(D) microbusiness development center.—The term ‘microbusiness development center’ means a center (defined in section 3) or a women’s business center (described under section 29).

(E) use of funds.—Amounts made available under this section shall be used to—

(1) develop and deliver a curriculum, including classroom instruction and in-depth training to develop skills related to business planning and financial literacy;

(2) train mentors and instructors;

(3) establish collaborative partnerships to support covered individuals; and

(4) identify opportunities to access capital.

(2) Reentry Entrepreneurship Counseling and Training for Formerly Incarcerated Individuals.—

(A) Appropriations.—In addition to amounts otherwise available, there is appropriated to the Small Business Administration, out of any money in the Treasury not otherwise appropriated, $9,750,000,000, to remain available until September 30, 2026, to the Secretary of Housing and Urban Development and the Administrator of the Federal Transit Administration to make competitive grants under sections 5307, 5311, and 5319(c) of title 49, United States Code, to support—

(1) access to affordable housing;

(2) enhanced mobility for residents and riders, including those in disadvantaged communities and neighborhoods, persistent poverty communities, or for low-income riders generally; and

(3) other community benefits for residents of disadvantaged communities or neighborhoods, persistent poverty communities, or for low-income riders generally identified by the Secretary and the Administrator related to enhanced transit service, including—

(A) access to job and educational opportunities;

(B) better connections to medical care; and

(C) enhanced access to grocery stores with fresh foods to help eliminate food deserts.

(B) Administration of Funds.—Funds made available under this section shall not be subject to any prior restriction on the total amount of funds available for implementation or execution of programs authorized under sections 5307, 5311, 5314, or 5319(c) of title 49, United States Code.

(C) Notwithstanding requirements related to Government share under such sections, shall be available for up to 100 percent of the net cost of a project.

(D) Eligible Activities.—Eligible activities for funds made available under subsection (a) shall include—

(1) the establishment or expansion of high-frequency bus service that utilizes zero-emission vehicles, or a collection of such projects;

(2) the establishment or expansion of high-frequency bus service that utilizes zero-emission buses;

(3) the acquisition of zero-emission vehicles or replacement of any money in the Treasury not otherwise appropriated, $2,300,000,000, to remain available until September 30, 2030, for administrative expenses associated with contracts (or amendments made by this title), except as otherwise provided in this title.

(3) Pilot Program.—The term ‘pilot program’ means—

(A) a small business development center (defined in section 3 of the Small Business Act (15 U.S.C. 632));

(B) a women’s business center (described under section 29)(f) of such Act (15 U.S.C. 636(f));

(C) a chapter of the Service Corps of Retired Executives (established under section 8(b)(1)(B) of such Act (15 U.S.C. 637(b)(1)(B))); and

(D) a Veteran Business Outreach Center (described under section 32 of such Act (15 U.S.C. 657b)).

(E) Matching Requirement.—

(1) In General.—As a condition of a grant provided under the pilot program, the Administrator shall require the recipient of the grant to contribute an amount equal to 25 percent of the amount of the grant, obtained solely from non-Federal sources.

(2) Pilot Program.—In addition to cash or other direct funding, the contribution required under paragraph (1) may include indirect costs or in-kind contributions paid for under non-Federal programs.

(4) Use of Funds.—Amounts made available under this section shall be used to—

(A) develop and deliver a curriculum, including classroom instruction and in-depth training to develop skills related to business planning and financial literacy;

(B) train mentors and instructors;

(C) establish collaborative partnerships to support covered individuals; and

(D) identify opportunities to access capital.

(5) Resource Partner.—The term ‘resource partner’ means—

(A) a small business development center (defined in section 3 of the Small Business Act (15 U.S.C. 632));

(B) a women’s business center (defined in section 29)(f) of such Act (15 U.S.C. 636(f));

(C) a chapter of the Service Corps of Retired Executives (established under section 8(b)(1)(B) of such Act (15 U.S.C. 637(b)(1)(B))); and

(D) a Veteran Business Outreach Center (described under section 32 of such Act (15 U.S.C. 657b)).

(E) match of amounts.—The Administrator shall require the recipient of the grant to contribute an amount equal to 25 percent of the amount of the grant, obtained solely from non-Federal sources.

(F) Grant Timelines.—The grant period for the grant shall be—

(C) the completion of a program established under paragraph (3) of this section, and

(D) the completion of a program established under paragraph (3) of this section.

(G) Notwithstanding the requirements of subsections (a) and (b) of this section, the Administrator shall—

(A) operate, in addition to amounts otherwise available, such service, including—

(1) the establishment or expansion of high-frequency bus service that utilizes zero-emission vehicles, or a collection of such projects;

(2) the acquisition of zero-emission vehicles or replacement of any money in the Treasury not otherwise appropriated, $2,300,000,000, to remain available until September 30, 2030, for administrative expenses associated with contracts (or amendments made by this title), except as otherwise provided in this title.

(3) Pilot Program.—The term ‘pilot program’ means—

(A) a small business development center (defined in section 3 of the Small Business Act (15 U.S.C. 632));

(B) a women’s business center (described under section 29)(f) of such Act (15 U.S.C. 636(f));

(C) a chapter of the Service Corps of Retired Executives (established under section 8(b)(1)(B) of such Act (15 U.S.C. 637(b)(1)(B))); and

(D) a Veteran Business Outreach Center (described under section 32 of such Act (15 U.S.C. 657b)).

(E) matching requirement.—

(1) in general.—As a condition of a grant provided under the pilot program, the Administrator shall require the recipient of the grant to contribute an amount equal to 25 percent of the amount of the grant, obtained solely from non-Federal sources.

(2) Pilot Program.—In addition to cash or other direct funding, the contribution required under paragraph (1) may include indirect costs or in-kind contributions paid for under non-Federal programs.
under sections 5307 or 5311 of such title, including
the provision of fare-free or reduced-fare
service;
(6) renovation or construction of facilities and incidental expenses related to transit service in disadvantaged communities or neighborhoods or service that benefits low-income riders gener-
ally;
(7) additional assistance to project sponsors of new fixed guideway capital projects, core capacity
improvement projects, or corridor-based bus rapid transit projects not yet open to revenue service; and
(8) applicable requirements regarding Government share of contribu-
tions toward net project cost of the project or the share of contributions provided by the Ad-
mnistrator of the Federal Transit Administra-
tion, if—
(A) the applicant demonstrates that the avail-
ability of funding under this section provides additional support for transit services consistent
with the requirements in subsection (a); and
(B) assistance under this paragraph does not increase by more than 10 percent pro-
to—
(i) the Government share of contributions to-
ward net project cost; or
(ii) the Government share of assistance from a program carried out by the Administrator of the Federal Transit Administra-
tion;
(f) PERIOD OF AVAILABILITY.—Any funds pro-
vided in this title shall—
(C) assist States that demonstrate the most signifi-
cant progress toward achieving reductions in greenhouse gas emissions;
(2) to establish an incentive structure to re-
ward States that demonstrate the most signifi-
cant progress toward achieving reductions in greenhouse gas emissions;
(3) to establish incentives for States that do not achieve reductions in greenhouse gas emissions;
(4) to provide technical assistance and regu-
lations and provide technical assistance as necessary to im-
plement this section; and
(5) for operations and administration of the Federal
Highway Administration in carrying out this section.
(b) INCENTIVE GRANTS TO STATES.—In addi-
tion to amounts otherwise available, there is ap-
propriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $950,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for incentive grants for carbon reduction projects, to be awarded to States that—
(1) qualify for a reward under the incentive structure established by the Administrator of the Federal Highway Administration
under subsection (a)(2); or
(2) have incorporated carbon reduction strat-
egies into their transportation plans required under section 135.
(c) COMMUNITI CLIMATE GRANTS TO OTHER ELIGIBLE ENTITIES.—
(1) IN GENERAL.—In addition to amounts other-
wise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,370,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to award grants, on a competitive basis, for carbon reduction projects to eligible entities that are not States.
(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection may be up to 100 percent.
(d) USE OF FUNDS.—
(1) IN GENERAL.—A project carried out under subsection (b) or (c) shall be treated as a project on a Federal-aid highway.
(2) COMPLIANCE WITH EXISTING REQUIRE-
MENTS.—Funds made available for a grant under subsection (b) or (c) funds made available for a grant under subsection (c) that are admin-
istered by or through a State department of transportation, shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.
(e) LIMITATION.—Funds made available under this section shall not—
(1) be subject to any restriction or limitation on the total amount of funds available for im-
plementation or execution of programs authorized for Federal-aid highways; or
(2) be used for transportation projects that result in addi-
tional through travel lanes for single occupant passenger vehicles.
(f) DEFINITIONS.—In this section:
(1) CARBON REDUCTION PROJECT.—The term "carbon reduction project" means a project—
(A) that is eligible under this title; and
(B) that—
(i) will result in significant reductions in greenhouse gas emissions related to a surface transportation facility or project;
(ii) provides zero-emission transportation op-
tions;
(iii) reduces dependence on single-occupant vehicle trips; or
(iv) advances carbon reduction strategies adopted by an eligible entity that contribute to achieving net-zero greenhouse gas emissions by 2050.
(2) ELIGIBLE ENTITY.—The term "eligible enti-
ity" means—
(A) a unit of local government;
(B) a political subdivision of a State;
(C) a territory;
(D) a metropolitan planning organization (as defined in section 134(h)(2));
(E) a Federal, State, local, or public au-
thority with a transportation function;
(F) an entity described in section 2003(a)(16); or
(G) a State.
177. Community climate incentive grant pro-
gram.
SEC. 110002. COMMUNITY CLIMATE INCENTIVE GRANT PROGRAM.
(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:
"§177. Community climate incentive grant program.
"(a) ESTABLISHMENT.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,370,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administra-
tion—
(1) to establish a greenhouse gas performance
measure that requires States to set per-
formance targets to reduce greenhouse gas emis-
sions;
(2) to establish an incentive structure to re-
ward States that demonstrate the most signifi-
cant progress toward achieving reductions in greenhouse gas emissions;
(3) to establish incentives for States that do not achieve reductions in greenhouse gas emissions;
(4) to provide technical guidance and regu-
lations and provide technical assistance as necessary to im-
plement this section; and
(5) for operations and administration of the Federal
Highway Administration in carrying out this section.
"(b) INCENTIVE GRANTS TO STATES.—In addi-
tion to amounts otherwise available, there is ap-
propriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $950,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration for incentive grants for carbon reduction projects, to be awarded to States that—
(1) qualify for a reward under the incentive structure established by the Administrator of the Federal Highway Administration
under subsection (a)(2); or
(2) have incorporated carbon reduction strat-
egies into their transportation plans required under section 135.
"(c) COMMUNITI CLIMATE GRANTS TO OTHER ELIGIBLE ENTITIES.—
(1) IN GENERAL.—In addition to amounts other-
wise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,370,000,000, to remain available until September 30, 2026, to the Administrator of the Federal Highway Administration to award grants, on a competitive basis, for carbon reduction projects to eligible entities that are not States.
(2) FEDERAL SHARE.—The Federal share of the cost of a project carried out with a grant under this subsection may be up to 100 percent.
(d) USE OF FUNDS.—
(1) IN GENERAL.—A project carried out under subsection (b) or (c) shall be treated as a project on a Federal-aid highway.
(2) COMPLIANCE WITH EXISTING REQUIRE-
MENTS.—Funds made available for a grant under subsection (b), and funds made available for a grant under subsection (c) that are admin-
istered by or through a State department of transportation, shall be expended in compliance with the U.S. Department of Transportation's Disadvantaged Business Enterprise Program.
(e) LIMITATION.—Funds made available under this section shall not—
(1) be subject to any restriction or limitation on the total amount of funds available for im-
plementation or execution of programs authorized for Federal-aid highways; or
(2) be used for transportation projects that result in addi-
tional through travel lanes for single occupant passenger vehicles.
(f) DEFINITIONS.—In this section:
(1) CARBON REDUCTION PROJECT.—The term "carbon reduction project" means a project—
(A) that is eligible under this title; and
(B) that—
(i) will result in significant reductions in greenhouse gas emissions related to a surface transportation facility or project;
(ii) provides zero-emission transportation op-
tions;
(iii) reduces dependence on single-occupant vehicle trips; or
(iv) advances carbon reduction strategies adopted by an eligible entity that contribute to achieving net-zero greenhouse gas emissions by 2050.
(2) ELIGIBLE ENTITY.—The term "eligible enti-
ity" means—
(A) a unit of local government;
“(1) a State;
“(2) a unit of local government;
“(3) a political subdivision of a State;
“(4) an entity described in section 207(m)(1)(E);
“(5) a territory of the United States;
“(6) a special purpose district or public author-
    ity; and
“(7) a metropolitan planning organization (as
defined in section 134(f)(2)); or
“(b) a project carried out under subsection (a)(2), in
addition to an eligible entity described in paragraphs (1) through (7), a
non-profit organization or institution of higher edu-
cation that has entered into a partnership with an
eligible entity described in paragraphs (1) through (7).

(c) FACILITY DESCRIBED.—A facility referred to in
subsection (a) is—
“(1) a surface transportation facility for which
high speeds, grade separation, or other

design factors create an obstacle to connectivity
within a community; or
“(2) a surface transportation facility which is

a source of air pollution, noise, stormwater, or
other burden to a disadvantaged or underserved
coral residents in the area impacted by the ac-
dtion or limitation on the total amount of funds
available for implementation of programs autho-
rized for Federal-aid highways; and
“(2) be used for a project through travel lanes for single-occupant pass-
enger vehicles.

(b) CLERICAL AMENDMENT.—The analysis for
chapter 1 of title 23, United States Code, is fur-
ther amended by adding at the end the fol-

defining "neighborhood access and equity grant pro-
gram."

SEC. 110004. TERRITORIAL HIGHWAY PROGRAM

(a) IN GENERAL.—In addition to amounts oth-
erwise made available, there is appropriated for
fiscal year 2022, out of any money in the Trea-
sury not otherwise appropriated, $1,580,000,000, to
remain available until September 30, 2026, to the
Administrator of the Federal Highway Adminis-
tration for distribution under section 165(c) of
title 23, United States Code.

(b) LIMITATION.—Funds made available under
this section shall not be subject to any restric-
tion or limitation on the total amount of funds
available for implementation of programs autho-
rized for Federal-aid highways.

SEC. 110005. TRAFFIC SAFETY CLEARINGHOUSE.

(a) IN GENERAL.—In addition to amounts oth-
erwise made available, there is appropriated for
fiscal year 2022, out of any money in the Trea-
sury not otherwise appropriated, $150,000,000, to
remain available until September 30, 2026, to the
Administrator of the National Highway Traffic
Safety Administration to operate the clearinghouse
and local communities.

(b) ADMINISTRATION.—Funds made available under
this section shall be used for eligible projects described in
subsection (a), the Secretary shall consider, with
the sharing of data to a national database;

(c) DEFINITION OF STATE.—In this section the
term "State" has the meaning given in the
term "State" in section 207(m)(1) of title 23, United States Code.

SEC. 110006. PASSAGERS RAIL IMPROVEMENT,
MODERNIZATION, AND EMISSIONS REDUCTION
GRANTS.

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

1) $247,000,000 for projects relating to the pro-
duction, transportation, blending, or storage of
sustainable aviation fuel;
2) $47,000,000 for projects relating to low-
emission aviation technologies; and
3) $6,000,000 to fund the award of grants
under this section, and oversight of the
programs by the Secretary.

(b) CONSIDERATIONS.—In carrying out sub-
section (a), the Secretary shall consider, with
respect to a proposed project—
1) the capacity of the eligible entity to
increase the domestic production and deployment of
sustainable aviation fuel or the use of low-
emission aviation technologies among the
United States commercial aviation and aero-

space industry;
2) the projected greenhouse gas emissions
from such project, including emissions resulting
from the development of the project, and the po-
tential the project has to reduce or displace, on
a lifecycle basis, United States greenhouse gas
emissions associated with air travel;
3) the impact of the project on the
United States;
and
4) the impact of the project on the
United States;
(A) for projects related to the production of sustainable aviation fuel, the projected lifecycle greenhouse gas emissions benefits from the proposed project, which shall include feedstock and fuel potential and direct and indirect greenhouse gas emissions (including resulting from changes in land use); and

(b) reduce greenhouse gas emissions produced during operation of civil aircraft.

(6) SECRETARY.—The term “Secretary” means the Secretary of Transportation.

(7) SUSTAINABLE AVIATION FUEL.—The term “sustainable aviation fuel” means liquid fuel, produced in the United States, that—

(A) consists of synthesized hydrocarbons;

(B) meets the requirements of—

(i) ASTM International Standard D7566; or

(ii) the applicable provisions of ASTM International Standard D1655, Annex A1 (or such successor standard);

(c) is derived from biomass (in a similar manner as such term is defined in section 45K(c)(3) of the Internal Revenue Code of 1986), waste streams, renewable energy sources, or gaseous carbon dioxide; and

(D) is not derived from palm fatty acid disillitates;

(E) achieves at least a 50 percent lifecycle greenhouse gas emissions reduction in comparison with petroleum-based jet fuel, as determined by a test that shows—

(i) the fuel production pathway achieves at least a 50 percent reduction of the aggregate attributional core lifecycle emissions and the induced land use change values under another methodology that the Secretary determines is—

(I) reflective of the latest scientific understanding of lifecycle greenhouse gas emissions; and

(ii) as stringent as the requirement under clause (i).

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $145,300,000, to remain available until expended, to the Administrator of the Federal Emergency Management Agency for the Building Resilient Infrastructure and Communities Program for activities and grants that provide technical assistance and capacity building to help communities cost share at least 100 percent, to State, local, Indian Tribal, territorial, or the District of Columbia governments during the adoption process, that incorporate—

(A) the latest hazard-resistant designs; and

(B) the latest maintenance and inspection of existing buildings to address hazard risk.

(2) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $4,500,000 to the Federal Emergency Management Agency, to remain available until expended, for administrative expenses of carrying out this section.

SEC. 110009. ASSISTANCE TO UPDATE AND ENFORCE RESISTANT CODES AND STANDARDS.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $240,000,000, to remain available until September 30, 2023, to the Secretary of Commerce for economic adjustment assistance as authorized by section 209 (except for assistance authorized by section 209(c)(1)) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to provide grants to eligible recipients (as defined in section 3 of such Act) to alleviate economic distress and support long-term comprehensive economic development and job creation in persistently distressed local labor markets and local communities, except that sections 204 and 301 of such Act (42 U.S.C. 3144 and 3149) shall be inapplicable to such grants.

(b) RECOMPETE PLAN.—As a condition of receipt of a grant described under paragraph (1), an eligible recipient shall submit a comprehensive 10-year economic development plan for approval by the Secretary that includes—

(A) proposed programs and activities to be carried out with a grant awarded under this subsection to address the economic challenges of the local labor market or local community in a manner that promotes long-term, sustained economic growth, quality job creation, and local prime-age employment growth;

(B) projected costs, annual expenditures, and a proposed grant disbursement schedule; and

(C) other local economic information and periodic benchmarking criteria as the Secretary determines appropriate.

(3) MAXIMUM AWARD AMOUNT.—In determining the maximum amount of a grant that may be awarded under paragraph (1) for the purposes of implementing and carrying out the programs and activities identified in an approved recompete plan described in paragraph (2), the Secretary shall use the product obtained by multiplying—

(A) the difference in the prime-age employment rate between the United States and the local labor market or local community; and

(B) the prime-age population of the local labor market or local community; and

(c) either:

(i) $70,585 for local labor markets with a prime-age employment rate not less than 2.5 percent below the United States; or

(ii) $53,600 for local communities with a prime-age employment rate not less than 5 percent below the United States.

(4) DEFINITIONS.—In this section:

(A) LOCAL LABOR MARKET.—The term “local labor market” means an area that contains 1 or more recipients eligible under paragraph (1) that—

(i) a metropolitan statistical area, or

(ii) an area below the United States; or

(iii) a nonmetropolitan county, or

(iv) a nonmetropolitan county that contains 1 or more recipients eligible under paragraph (1).

(B) LOCAL COMMUNITY.—The term “local community” means the area served by a unit of government (or local government) that—

(i) a metropolitan statistical area, or

(ii) a nonmetropolitan county, or

(iii) a nonmetropolitan county that contains 1 or more recipients eligible under paragraph (1).

(5) USE OF FUNDS.—In addition to amounts otherwise available, there is appropriated, $675,000, to remain available until expended in the Treasury, for technical assistance, planning, and economic transition activities, to energy and industrial transition communities, including oil, gas,
coal, nuclear, and biomass transition communities, and manufacturing transition communities.

(d) ECONOMIC ADJUSTMENT ASSISTANCE FOR TECHNICAL ASSISTANCE, PREDEVELOPMENT, AND CAPACITY BUILDING.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022, 2023, and 2024: $200,000,000, to be available until September 30, 2027, to the Secretary of Commerce for economic adjustment assistance as authorized by section 209(c)(1) of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3149) to provide grants for technical assistance, predevelopment, and capacity building activities, including activities relating to the writing of grant applications (consistent with section 213 of the Public Works and Economic Development Act of 1965 (42 U.S.C. 3153)) and stipends to local community organizations for planning participation, community outreach and engagement activities, subject to the conditions that—

(1) sections 209 and 301 of such Act shall not apply to grants made with amounts made available under this subsection; and

(2) not less than 50 percent of the amounts made available under this subsection shall be for activities that are carried out in underserved communities.

(e) ADMINISTRATION.—In addition to amounts otherwise available, there is appropriated for fiscal year 2023, out of any money in the Treasury not otherwise appropriated, $210,000,000, to remain available until September 30, 2023, for the administrative expenses of carrying out this section.

SEC. 110010. ASSISTANCE FOR FEDERAL BUILDINGS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $290,000,000, to remain available until September 30, 2023, to be deposited in the Federal Buildings Fund established under section 592 of title 40, United States Code, for measures necessary to convert facilities of the Administrator of General Services to high-performance green buildings (as defined in section 401 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17092)).

SEC. 110011. CLIMATE RESILIENT COAST GUARD INFRASTRUCTURE.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $650,000,000, to remain available until September 30, 2023, for the acquisition, design, and construction of new, or replacement of existing, climate resilient facilities, including personnel readiness facilities such as family support services facilities, that are threatened by or have been impacted by climate change, as authorized under sections 504(e) and 1101(b)(1) of title 14, United States Code.

SEC. 110012. GREAT LAKES ICEBREAKER ACQUISITION.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated to the Great Lakes for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $530,000,000, to remain available until September 30, 2023, for acquisition, design, and construction of a Great Lakes heavy icebreaker, as authorized under section 8107 of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-28).

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

(1) enter into an agreement involving funds made available under subsection (a) if such agreement—

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

(B) involves any payment that could be made or funds disbursed using amounts made available under subsection (a) after September 30, 2031; or

(2) use any other funds available to the Coast Guard to satisfy obligations initially made under this section if such obligations are not otherwise made payable.

SEC. 110013. PORT INFRASTRUCTURE AND SUPPLY CHAIN RESILIENCE.

(a) IN GENERAL.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until September 30, 2026, to the Maritime Administration, through the purposes of making grants to support projects to supply chain resilience, reduction in port congestion, and the development of offshore wind through the program under section 508(b)(1) of title 46, United States Code.

(b) LIMITATIONS.—The funds made available under this section are subject to the condition that the Secretary of Transportation shall not—

(1) enter into an agreement involving funds made available under subsection (a) if such agreement—

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

(B) involves any payment that could be made or funds disbursed using amounts made available under subsection (a) after September 30, 2031; or

(2) use any other funds available to the Secretary to satisfy obligations initially made under this section if such obligations are not otherwise made payable.

SEC. 110014. ALTERNATIVE WATER SOURCE PROJECT GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $125,000,000, to remain available until expended, for carrying out section 220 of the Federal Water Pollution Control Act (33 U.S.C. 1390), in accordance with subsection (b), which funds may be used to make grants under such section on the condition that—

(1) a project carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater); and

(2) all of the iron and steel used in the project are produced in the United States in accordance with section 608 of such Act (33 U.S.C. 1388).

(b) LIMITATIONS.—For purposes of subsection (a)—

(1) the limitation in section 220(d)(1) of the Federal Water Pollution Control Act (as in effect on September 1, 2021), as it applies to the receipt of planning or design funds, shall not apply with respect to eligibility for a grant under this section; and

(2) the requirements of sections 220(d)(2) and (e) of such Act (as in effect on September 1, 2021) shall not apply to the making of a grant under this section.

(c) ADMINISTRATIVE COSTS.—Of the amounts made available under subsection (a), the Administrator of the Environmental Protection Agency shall reserve 4 percent for the administrative costs of carrying out this section.

SEC. 110015. SEWER OVERFLOW AND STORMWATER REUSE MUNICIPAL GRANTS.

(a) GENERAL ASSISTANCE.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended, for carrying out section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301), which funds may be used to make grants under such section on the condition that any activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater).

(b) FINANCIALLY DISTRESSED COMMUNITIES.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $600,000,000, to remain available until expended, for carrying out section 221 of the Federal Water Pollution Control Act (33 U.S.C. 1301), which funds may be used to make grants under such section to a financially distressed community (as defined in such section), or an Indian tribe or other entity described in section 516(c)(3) of such Act, on the condition that any activity carried out using such funds shall, to the maximum extent practicable, maximize the avoidance, minimization, or mitigation of climate change impacts on, and of, any constructed part of the project (including through the implementation of technologies to recover and reuse energy produced in the treatment of wastewater).

(c) LIMITATION.—In carrying out paragraph (1), the Administrator of the Environmental Protection Agency may not require a financially distressed community, Indian tribe, or entities receiving a grant pursuant to this subsection to provide, as a condition of eligibility to receive such grant, a share of the cost of the activity for which the grant was made.

(d) ADMINISTRATIVE COSTS.—Of the amounts made available under each of subsections (a) and (b), the Administrator of the Environmental Protection Agency shall reserve 4 percent for the administrative costs of carrying out this section.

SEC. 110016. INDIVIDUAL HOUSEHOLD DECENTRALIZED WASTEWATER TREATMENT SYSTEM GRANTS.

(a) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated to the Environmental Protection Agency for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, to remain available until expended—

(1) $75,000,000 to make grants to States, municip- icalities, and nonprofit entities under the Federal Water Pollution Control Act for the construction, repair, or replacement of individual household decentralized wastewater treatment systems of eligible individuals (as so defined in section 516(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1383)); and

(2) $75,000,000 to make grants to States, munici- palities, and nonprofit entities under such Act for the construction, repair, or replacement of individual household decentralized wastewater treatment systems of eligible individuals (as so defined in section 516(c)(3) of the Federal Water Pollution Control Act (33 U.S.C. 1383)) and

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

SEC. 110017. DISASTER RELIEF.

The Administrator of the Federal Emergency Management Agency may provide financial assistance through September 30, 2026, pursuant to section 203(h), 404(a), and 406(b) of the Robert T. Stafford Disaster Relief and Emergency As- sistance Act (42 U.S.C. 5133(h); 42 U.S.C. 5131(a); and 42 U.S.C. 5170c). —In addition to amounts costs associated with low-carbon materials; and
(2) incentives that encourage low-carbon and net-zero energy projects, which may include an increase in the Federal cost share.

SEC. 110018. ENVIRONMENTAL REVIEW IMPLEMENTATION FUNDS.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§179. Environmental review implementation funds."

(2) Low-carbon transportation materials grants.

(a) IN GENERAL.—Chapter 1 of title 23, United States Code, is further amended by adding at the end the following:

"§180. Low-carbon transportation materials grants."

SEC. 110020. SOUTHWEST BORDER REGIONAL COMMISSION.

In addition to amounts otherwise available, there is appropriated to the Southwest Border Regional Commission for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $33,000,000, to remain available until September 30, 2021, to carry out activities authorized by subtitle V of title 49, United States Code.

TITLE XII.—COMMITTEE ON VETERANS AFFAIRS

SEC. 120001. DEPARTMENT OF VETERANS AFFAIRS INFRASTRUCTURE IMPROVEMENTS.

In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,317,000,000, to remain available until September 30, 2021, for facilities under the jurisdiction of, or for the benefit of, the Department of Veterans Affairs to carry out sections 2400, 2403, 2404, 2406, 2407, 2412, 4101, 4102 (except for section 4102(d)), 4103 (except for super construction projects as defined in section 4103(e)(3)), 8104 through 8119, 8122, and 8161 through 8169 of title 38, United States Code, taking into consideration the integration of climate resiliency into infrastructure as well as the needs of underserved areas and underserved veteran populations.

SEC. 120002. MODIFICATIONS TO ENHANCED-USE LEASE AUTHORITY OF DEPARTMENT OF VETERANS AFFAIRS.

(a) MODIFICATIONS TO AUTHORITY.—Paragraph (2) of section 8162(a) of title 38, United States Code, is amended by striking subparagraphs (B), (C), and (D) and inserting—

"(2) A Secretary may enter into an enhanced-use lease on or after the date of the enactment of this paragraph only if the Secretary determines—

"(i) that the lease will not be inconsistent with, and will not adversely affect—

"(I) the mission of the Department; or

"(II) the operation of facilities, programs, and services of the Department in the local area; and

"(ii) that—

"(I) the lease will enhance the use of the leased property by directly or indirectly benefitting veterans; or

"(II) the leased property will provide supportive housing;

"(B) The Secretary shall give priority to enhanced-use leases that, on the leased property—

"(i) provide supportive housing for veterans;

"(ii) provide direct services or benefits targeted to veterans; or

"(iii) provide services or benefits that indirectly support veterans.

"(c) MODIFICATIONS TO AUTHORITY.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $455,000,000 for the Department of Veterans Affairs, to remain available until expended, to enter into enhanced-use leases pursuant to section 8162 of...
SEC. 120003. MAJOR MEDICAL FACILITY LEASES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) AUTHORITY TO ENTER INTO MAJOR MEDICAL FACILITY LEASES.—Paragraph (2) of subsection (a) of section 8104 of title 38, United States Code, is amended—

(1) by striking “No funds” and inserting “(A) No funds”; and

(2) by striking “or any major medical facility lease” and inserting “or lease”;

(b) MODIFICATION OF DEFINITION OF MAJOR MEDICAL FACILITY LEASE.—Subparagraph (B) of paragraph (3) of such subsection is amended to read as follows:

“(B) The term ‘major medical facility lease’—

(i) means a lease for space for use as a new medical facility through the General Services Administration under section 3307(h) of title 40 at an average annual rent equal to or greater than the dollar threshold described in such subsection, which shall be subject to annual adjustment in accordance with section 3307(h) of such title; and

(ii) does not include a lease for space for use as a shared Federal medical facility for which the Department’s estimated share of the lease costs does not exceed such dollar threshold.”;

(c) INTERIM LEASING ACTIONS.—Such section is further amended by adding at the end the following new subsection:

“(3) The Secretary may carry out interim leasing actions for major medical facility leases (as defined in subsection (a)(3)(B)).

“(2) In this subsection, the term ‘interim leasing actions’ has the meaning given that term by the Administrator of the General Services Administration.”;

(d) APPLICABILITY.—The amendments made by this section shall apply with respect to a major medical facility lease described in subchapter I of chapter 22 of title 38, United States Code, otherwise available, there is appropriated to the Secretary of Veterans Affairs, that has not been specifically authorized by law on or before the date of the enactment of this Act and is included as part of the budget of the Department of Veterans Affairs that has not been specifically authorized by law.

SEC. 120004. INCREASE IN NUMBER OF HEALTH PROFESSIONAL RESIDENCY POSITIONS AT DEPARTMENT OF VETERANS AFFAIRS MEDICAL FACILITIES.

(a) INCREASE.—In carrying out section 7302(a)(1) of title 38, United States Code, during the seven-year period beginning on the day that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall increase the number of health professions residency positions at medical facilities of the Department of Veterans Affairs to not more than 500 positions (which shall be allocated among occupations included in the most current determination published in the Federal Register pursuant to section 7411(a) of such title, or allocated pursuant to a prioritization by the Secretary of residencies in primary care, mental health care, and any other health professions occupation the Secretary determines appropriate) through the establishment of such new positions at—

(1) medical facilities where the Secretary established such positions pursuant to section 301(b)(2) of the Veterans Access, Choice, and Accountability Act of 2014 (Public Law 113–146; 38 U.S.C. 7302 note); and

(2) any medical facility—

(A) the director of which expresses an interest in establishing or expanding a health professions residency program at the medical facility; or

(B) that is located in a community that has a high concentration of veterans or is experiencing a shortage of health professions professionals.

(b) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated to the Secretary of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $150,000,000, to remain available until September 30, 2023, for the purpose of carrying out this section.

SEC. 120005. VETERAN RECORDS SCANNING.

In addition to amounts otherwise available, there is appropriated to the Department of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $268,000,000, to remain available until September 30, 2029, for the purpose of carrying out this section.

SEC. 120006. FUNDING OF VETERANS AFFAIRS OFFICE OF INSPECTOR GENERAL.

In addition to amounts otherwise available, there is appropriated to the Inspector General of the Department of Veterans Affairs for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until September 30, 2023, for audits, investigations, and other oversight of projects and activities carried out with funds made available to the Department of Veterans Affairs.

TITLES XIII—COMMITTEE ON WAYS AND MEANS

Subtitle A—Universal Comprehensive Paid Leave

SEC. 130001. COMPREHENSIVE PAID LEAVE.

The Social Security Act is amended by adding at the end the following:

“TITLE XXIII—COMPREHENSIVE PAID LEAVE BENEFITS

SEC. 2201. TABLE OF CONTENTS.

The table of contents for this title is as follows:

“Sec. 2201. Table of contents.

“Sec. 2202. Entitlement to comprehensive paid leave benefits.

“Sec. 2203. Leave; leave benefits.

“Sec. 2204. Benefit determination and payment.

“Sec. 2205. Accurate payment.

“Sec. 2206. Accurate payment.

“Sec. 2207. Funding for benefit payments, grants, and program administration.

“Sec. 2208. Funding for State administration option for legacy States.

“Sec. 2209. Reimbursement option for employer-sponsored comprehensive paid leave benefit.

“Sec. 2210. Definitions.

“Sec. 2202. ENTITLEMENT TO COMPREHENSIVE PAID LEAVE BENEFITS.

(a) In General.—Every individual who

(1) has filed an application for a comprehensive paid leave benefit in accordance with section 2202(b); and

(2) has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that begins 90 days before the date on which such application is filed or not later than 90 days after such date;

(3) has wages or self-employment income at any time during the period;

(A) beginning with the most recent calendar quarter that ends at least 4 months prior to the beginning of the individual’s benefit period specified in subsection (b); and

(B) ending with the month before the month in which such benefit period begins; and

(4) has at least the specified amount of wages and self-employment income during the 4-calendar quarter period that ends at least 4 months prior to the beginning of the individual’s benefit period specified in subsection (b), shall be entitled to such a benefit for each month during such benefit period, except as otherwise provided in this section.

(b) Benefit Period.—

(1) In General.—Except as provided in paragraph (2), the benefit period specified in this subsection is the period that begins with the month in which the individual has at least 4 caregiving hours and otherwise would meet the criteria specified in paragraphs (1), (2), and (3) of subsection (a) and ending at the end of the month in which ends the 52nd week ending during such period.

(2) Retroactive Benefits.—In the case of an application for benefits under this section with respect to an individual who has at least 4 caregiving hours in a week at any time during the period that begins 90 days before the date on which such application is filed, the benefit period specified in this subsection is the period beginning with the later of—

(A) the month in which the individual has at least 4 caregiving hours; or

(B) the 1st month that begins during such 90-day period, and ending at the end of the month in which ends the 52nd week ending during such period.

(c) Limitation.—Notwithstanding paragraphs (1) and (2), the benefit period under this title may begin with any month beginning before January 2024.

(d) Carrying Hours Defined.—For purposes of this title, the term ‘carrying hour’ means a 1-hour period during which the individual engaged in qualified caregiving (determined on the basis of information filed with the Commissioner pursuant to subsection (c) of section 2004).
Sec. 2202 does not exceed 100 percent of the individual’s average weekly earnings to the extent that such earnings do not exceed the amount established for purposes of subparagraph (A) but do not exceed the amount established for purposes of subparagraph (B) but do not exceed the amount established for purposes of this subparagraph by paragraph (2).

While the individual was so engaged, the individual is not considered to be engaged in work if, for the time during which the individual was so engaged, the individual is taking leave from covered employment under an employer-sponsored program (as defined in section 2209(g)).

The total of the wages and self-employment income received by the individual during the 8-calendar quarter period described in section 2203(a)(4) by

(b) 104.

Evidence of Earnings.—For purposes of determining the wages and self-employment income of an individual with respect to an application for benefits under section 2202, the Commissioner shall mandate procedures to validate the information submitted in support of such application, report, or appeal.

(b) Required Contents of Initial Application.—An application for a comprehensive paid leave benefit filed by an individual shall include:

(i) An attestation that the individual has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that is the shorter of 90 days after such application is filed or not later than 90 days after such date:

(ii) Documentation of the existence of such caregiving arrangements (as defined in section 2201(c)); and

(iii) Other information submitted in support of such application, report, or appeal.

(a) In General.—An individual seeking benefits under section 2202 shall file an application with the Commissioner in advance of the period for which such benefit will be paid.

(b) Required Contents of Initial Application.—An application for a comprehensive paid leave benefit filed by an individual shall include:

(i) An attestation that the individual has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that is the shorter of 90 days after such application is filed or not later than 90 days after such date:

(ii) Documentation of the existence of such caregiving arrangements (as defined in section 2201(c)), and

(iii) Other information submitted in support of such application, report, or appeal.

(a) In General.—For purposes of this section, the term ‘qualified caregiving’ means any activity engaged in by an individual in lieu of work duties that constitute the individual’s regular workweek (within the meaning of section 2203(d)), other than for monetary compensation, for a qualifying reason (as defined in section 2203(d)).

(b) No Monetary Compensation Permitted.—For purposes of subparagraph (A), an activity shall be considered to be engaged in by an individual in lieu of work duties that constitute the individual’s regular workweek if, for the time during which the individual was so engaged, the individual received—

(i) wages from an employer;

(ii) unemployment compensation; or

(iii) any form of cash payment made by an employer for purposes of providing the individual with paid vacation, paid sick leave, or any other form of paid time off, but not including any such form of cash payment to the extent that the sum of such cash payment and any comprehensive paid leave benefits under section 2202 does not exceed 100 percent of the individual’s regular rate of pay (as determined under section 7(e) of the Fair Labor Standards Act of 1938).

(c) Treatment of Individuals Covered by Employer-Sponsored Comprehensive Paid Leave Program.—For purposes of subparagraph (A), an activity engaged in by an individual shall not be considered to be engaged in lieu of work if, for the time during which the individual was so engaged, the individual is taking leave from covered employment under an employer-sponsored program (as defined in section 2209(g)).

(d) Treatment of Individuals Covered by Legacy State Comprehensive Paid Leave Program.—For purposes of subparagraph (A), an activity engaged in by an individual shall not be considered to be engaged in lieu of work if, for the time during which the individual was so engaged, there was no equivalent paid leave from covered employment under the law of a legacy State (as defined in section 2208(c)).

(e) Disqualification.—An individual who has been found to have used false statements or representations to secure benefits under this section shall be ineligible for benefits under this section for a 5-year period following the date of such finding.

Sec. 2203. Benefit Amount.

(a) In General.—The amount of the benefit to which an individual is entitled under section 2202 for a month shall be an amount equal to the sum of the weekly benefit amounts for each week ending during such month. The weekly benefit amount of an individual for a week shall be equal to the product of—

(i) the numerator of which is the number of caregiving hours of the individual credited to such week (as determined in subsection (c)); and

(ii) the denominator of which is the number of hours in a regular workweek of the individual (as determined in subsection (d)).

(b) Weekly Benefit Rate.—

(i) For purposes of this section, an individual’s weekly benefit rate shall be an amount equal to the sum of—

90.138 percent of the individual’s average weekly earnings to the extent that such earnings do not exceed the amount established for purposes of this subparagraph by paragraph (2); and

52.023 percent of the individual’s average weekly earnings to the extent that such earnings exceed the amount established for purposes of subparagraph (A) but do not exceed the amount established for purposes of this subparagraph by paragraph (2).

(2) Initial Amounts.—For individuals whose benefit period under this title begins in any calendar year after 2024, the amount established for purposes of subparagraphs (A), (B), and (C) of paragraph (1) shall be 1/52 of $15,080, $34,248, and $62,000, respectively.

(3) Wage Indexing.—For individuals whose benefit period under this title begins in any calendar year after 2024, each of the amounts so established shall equal the corresponding amount established for purposes of subparagraphs (A), (B), and (C) of paragraph (1) multiplied by a factor equal to the ratio of—

(i) the national average wage index (as defined in section 2210) for the second calendar year preceding such calendar year, or, if larger, the product of the corresponding amount established with respect to the calendar year 2024 and the quotient determined by dividing—

(ii) the national average wage index (as so defined) for calendar year 2022.

(4) Rounding.—Each amount established under subparagraph (B) for any calendar year shall be rounded to the nearest $1, except that any amount so established which is a multiple of $0.50 but not of $1 shall be rounded to the next higher $1.

(5) Average Weekly Earnings.—For purposes of this subsection, an individual’s average weekly earnings, as calculated by the Commissioner, shall be equal to the quotient obtained by dividing—

(A) the total of the wages and self-employment income received by the individual during the 8-calendar quarter period described in section 2203(a)(4) by

(B) 104.

(6) Evidence of Earnings.—For purposes of determining the wages and self-employment income of an individual with respect to an application for benefits under section 2202, the Commissioner shall make such determination on the basis of data provided to the Commissioner from the National Directory of New Hires pursuant to section 453(h)(2)(F) and self-employment income information provided to the Commissioner pursuant to section 6103(l)(25) of the Internal Revenue Code of 1986, except that the Commissioner shall also consider any more recent or additional evidence of wages or self-employment income the individual chooses to additionally submit.

(c) Crediting of Caregiving Hours to a Week.—Caregiving hours of an individual credited to a week as determined under this subsection shall equal the number of caregiving hours of the individual occurring during such week, except that—

(i) such number may not exceed the number of hours in a regular workweek of the individual (as determined in subsection (d));

(ii) no more than 4 caregiving hours shall be credited to a week in which fewer than 4 caregiving hours of the individual occur;

(iii) no caregiving hours of the individual may be credited to a week during a disability waiting period, consisting of the first week during an individual’s benefit period in which at least 4 caregiving hours occur (regardless of whether the individual has a disability payment for purposes of providing the individual with paid vacation, paid sick leave, or any other form of paid time off from the individual’s employer during such week in accordance with section 2203(c)(2)(B)(iii)); and

(iv) the total number of caregiving hours credited to weeks during an individual’s benefit period may not exceed the product of 4 multiplied by the number of hours in a regular workweek of the individual (as determined in subsection (d)) during such period.

(d) Number of Hours in a Regular Workweek.—For purposes of this section, the number of hours in a regular workweek of an individual (as determined in subsection (d)) shall be regularly works in a week for all employers or as a self-employed individual (or regularly worked in the case of an individual who is no longer working or whose total weekly hours of work have been reduced) before the individual’s benefit period begins (or prior to such month, if applicable in the case of an individual who is no longer working or whose total weekly hours of work have been reduced).

(e) Submission of Required Information.—Any person may submit applicable paid leave information with respect to an individual, including, as applicable, the individual’s representation to secure benefits under this section, the individual’s employer, or any relevant authority identified under section 2204(b)(2). For purposes of this subsection, the term ‘applicable paid leave information’ means, with respect to an initial application submitted to the Commissioner with respect to the comprehensive paid leave benefits of the individual, including any initial application, periodic application, or claim represented by the other information submitted in support of such application, report, or appeal.

SEC. 2204. Benefit Determination and Payment.

(a) In General.—An individual seeking benefits under section 2202 shall file an application with the Commissioner at least 90 days prior to the date on which the individual shall be ineligible for benefits under this section.

(b) Required Contents of Initial Application.—An application for a comprehensive paid leave benefit filed by an individual shall include:

(i) An attestation that the individual has, or anticipates having, at least 4 caregiving hours in a week ending at any time during the period that is the shorter of 90 days after such application is filed or not later than 90 days after such date:

(ii) Documentation of the existence of such caregiving arrangements (as defined in section 2201(c)), which such application is filed or not later than 90 days after such date:

(iii) Documentation of the evidence that information contained in the application or periodic benefit claim report is false, except that the Commissioner shall mandate procedures to validate the identity of the individual’s employer, or any relevant authority identified under section 2204(b)(2). For purposes of this subsection, the term ‘applicable paid leave information’ means, with respect to an initial application submitted to the Commissioner with respect to the comprehensive paid leave benefits of the individual, including any initial application, periodic application, or claim represented by the other information submitted in support of such application, report, or appeal.

(2) At the option of the Commissioner, a certification, issued by a relevant authority identified under regulations issued by the Commissioner, that contains such information as the Commissioner shall specify in regulations as necessary to affirm the circumstances giving rise to the need for such caregiving hours, which shall be no more than is required for reasonable determination (as defined under section 2201). Such certification shall be required only in cases of hardship or other extenuating circumstances or if the individual does not have (or is not deemed to be) an employer;

(4) pay stubs or such other evidence as the individual may provide demonstrating the individual’s wages or self-employment income during the period described in section 2202(a)(3), except that the Commissioner may waive this requirement in any case in which such evidence is otherwise reasonably available to the individual;

(5) an attestation from the individual stating the number of hours in a regular workweek of
section 2201 whose appeal to the employer (or administrative entity) pursuant to subsection (b)(1)(B)(iii)(I) of such section results in a determination unfavorable to the individual; and

(12) periodic benefit claim report with respect to each such caregiving hours occurred.

(c) PERIODIC BENEFIT CLAIM REPORT.—

(1) Except as provided in paragraph (2), not later than 60 days (or such longer period as may be provided in any case in which the Commissioner determines that good cause exists) after the end of the month during the benefit period of an individual entitled to benefits under section 2202, the individual shall file a periodic benefit claim report with the Commissioner. Such periodic benefit claim report shall specify the caregiving hours of the individual that occurred during each week that ended in such month. No periodic benefit claim report shall be required with respect to any week in which fewer than 4 caregiving hours occurred.

(2) RETROACTIVE APPLICATIONS.—In the case of an individual who is entitled to a comprehensive paid leave benefit with a benefit period that begins, in accordance with section 2202(b)(2), with a month that ends before the date of application is filed by such individual, the Commissioner may include with such application the information described in the second sentence of paragraph (1) with respect to each week in the benefit period that ends before such date.

(d) DETERMINATIONS.—

(1) INITIAL APPLICATION.—The Commissioner shall determine, with respect to an individual applicant under section 2202, the initial entitlement and the benefit period in accordance with such section, and the weekly benefit rate, average weekly earnings, and the number of caregiving hours in the regular workweek in accordance with section 2203.

(2) MONTHLY BENEFIT DETERMINATIONS.—On the basis of the information filed with the Commissioner pursuant to subsection (c), the Commissioner shall determine, with respect to an individual for each week ending in a month, the number of caregiving hours of an individual to be credited to such week that ended in such month, and the Secretary of the Treasury shall make such payment in accordance with section 2203(c) regarding such determination.

(3) CHANGING CIRCUMSTANCES.—If more than one type of circumstance gives rise to the need for determining the individual’s benefit period, such caregiving hours shall be credited to weeks within the benefit period in accordance with section 2203(c) regardless of circumstance.

(e) CERTIFICATION OF PAYMENT.—Not later than 15 days after the making of a determination under subsection (d)(2) with respect to the number of caregiving hours of an individual to be credited to weeks ending in a month, the Commissioner shall certify payment of the comprehensive paid leave benefit for such month to be made to such individual, and the Secretary of the Treasury shall make such payment in accordance with the certification of the Commissioner of Social Security.

(f) NOTICE OF ACTION PROCEDURES.—The Commissioner shall have full power and authority to make rules and regulations, including interim final regulations, and to establish procedures, not inconsistent with this title, which are necessary and appropriate to carry out this title.

SEC. 2209. APPEALS.

(a) IN GENERAL.—An individual shall have the right to appeal to the Commissioner any determination made with respect to—

(1) comprehensive paid leave benefits under section 2202; and

(2) comprehensive paid leave benefits under an employer-sponsored program described in

(1) IN GENERAL.—Any person who knowingly makes a false statement, misrepresents a fact, or omits material information in any statement or representation of a material fact in an application for benefits under section 2202 or a periodic benefit claim report under section 2204 shall be subject to a civil monetary penalty of not more than the amount of that statement or representation of a material fact in an application for benefits under this title, that results in weekly benefit amounts for each week ending during such month that are less than the lower of the weekly benefit amounts for each week as determined for such individual under section 2203(a) or the amount specified in item (ii) or (aa) of clause (I).

(2) AMOUNT DETERMINED.—The amount determined under this paragraph for a calendar year shall be the amount that would be in effect for such calendar year if such penalty—

(A) had been first established in the amount of $5,000 in calendar year 2016.

(B) had been initially adjusted for inflation in calendar year 2018.

(C) EXCLUSION FROM PARTICIPATION.—

(1) IN GENERAL.—No person or entity who—

(A) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title, or would impede efficient or effective determination.

(2) EFFECTIVE DATE.—An exclusion under this paragraph shall be effective for any application for benefits under this title on or after January 1, 2022.

(3) TREATMENT OF DETERMINATIONS ON APPEAL.—

(1) IN GENERAL.—Whenever the Commissioner determines that more or less than the correct amount of payment has been made to any individual under section 2202, the Commissioner shall promptly notify the individual of such determination and inform the individual of the right of appeal under this section, and the weekly benefit amounts of the individual, or shall recompute the weekly benefits of the individual under such section, and the weekly benefit amounts of the individual, or shall recompute the individual’s determination.

(2) LIMITATION ON RECOVERY.—

(1) AMOUNT SPECIFIED.—The amount specified in this clause with respect to a weekly benefit amount determined for a week ending in a month in calendar year 2014 is $350 for such week.

(2) AMOUNT PREVIOUSLY DETERMINED.—The amount specified in clause (i) with respect to a weekly benefit amount determined under subclause (I) or (II) with respect to such weekly benefit amount determined under this paragraph may be construed to preclude any other circumstances that may render the individual not at fault.

(3) EXCLUSION FROM PARTICIPATION.—

(1) IN GENERAL.—An individual not at fault.

(2) EFFECTIVE DATE.—An exclusion under this paragraph shall be effective for any application for benefits under this title, or such event affecting (i) his initial or continued eligibility, or representation of a material fact in any application for benefits under this title.

(B) at any time knowingly and willfully makes or causes to be made any false statement or representation of a material fact in an application for benefits under this title, or would impede efficient or effective determination.

(C) having knowledge of the occurrence of any event affecting (i) his initial or continued eligibility, or representation of a material fact in any application for benefits under this title, or would impede efficient or effective determination.

(D) having made application to receive any such benefit for the use and benefit of another and having received it, knowingly and willfully converts such benefit or any part thereof to a use other than for the use and benefit of such other person, or

(E) having knowledge of the occurrence of any event affecting (i) his initial or continued eligibility, or representation of a material fact in any application for benefits under this title, or would impede efficient or effective determination.

(F) making a false statement, misrepresents a fact, or omits material information in any statement or representation of a material fact in an application for benefits under this title, or would impede efficient or effective determination.

(3) DETERMINATION OF ENTITLEMENT.—

(1) IN GENERAL.—No person or entity who—

(A) knowingly and willfully makes or causes to be made any false statement or representation of a material fact in any application for benefits under this title, or would impede efficient or effective determination.

(B) disregards certain evidence. When determining the entitlement, or making an initial determination of entitlement, of an individual under this title, the Commissioner shall disregard any evidence if there is reason to believe that fraud or similar fault was involved in the processing of such evidence.

(C) KNOWLEDGE AND EXPERIENCE.—For purposes of paragraph (1), similar fault is involved with respect to a determination if—

(1) the individual was without fault.

(2) the individual's circumstances are similar to those of the provider, or

(3) the individual's circumstances are similar to those of the recipient.
“(A) an incorrect or incomplete statement that is material to the determination is knowingly made; or

(B) information that is material to the determination is concealed.

(3) TERMINATION OF BENEFITS.—If, after re-determining pursuant to this subsection the entitlement of an individual to comprehensive paid leave benefits under section 2202 as determined by the Commissioner, there is insufficient evidence to support such conclusion, the Commissioner may terminate such entitlement and may treat benefits paid on the basis of such insufficient evidence as overpayments.

**SEC. 2207. FUNDING FOR BENEFIT PAYMENTS, GRANTS, AND PROGRAM ADMINISTRATION.**

**(a) FUNDING FOR BENEFIT PAYMENTS AND GRANTS.—**In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay benefits under section 2202 and for grants under sections 2208 and 2209.

**(b) FUNDING FOR PROGRAM ADMINISTRATION.—**

(1) IN GENERAL.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, $1,580,000,000 for fiscal year 2022 and $1,590,700,000 for each subsequent fiscal year (subject to appropriation) for timely and accurate administration of all sections of this title, including costs related to necessary customer service, staffing, technology, training, data sharing, and outreach to potential beneficiaries, and research for the purpose of ensuring full and equitable access to the programs under this title.

(2) INDEXING TO WAGE GROWTH.—For each fiscal year after 2024, there shall be substituted for the dollar amount specified in paragraph (1) for such fiscal year an amount equal to the larger of the dollar amount in effect under this subsection for the fiscal year preceding such fiscal year or the product of $1,590,700,000 multiplied by the ratio of—

(A) the national average wage index (as defined in section 2210) for the most recent calendar year ending on the end date that the Commissioner determines that the State has enacted, not later than July 1 of such calendar year, the law described in paragraph (1) or (3) of subsection (b) for the calendar year preceding such calendar year; and

(B) the full cost to the State of administering such law (except that such cost may not exceed 7 percent of the total amount of paid family and medical leave benefits paid under such State law).

In any case in which, during any calendar year, a State shall be determined by the Commissioner to believe that a State will be a legacy State and meet the data sharing requirements of subsection (e) for such calendar year, the Commissioner may make an estimated payment during such calendar year of the grant which would be paid to such State in the succeeding calendar year, to be adjusted as appropriate in the succeeding calendar year.

(3) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary to pay benefits under section 2202 as determined by the Commissioner, at a wage replacement rate that is at least equivalent to the wage replacement rate under the comprehensive paid leave benefit program under section 2202 (without regard to section 2202(c)(2)(D)), except that the State shall provide such benefits for leave from any other governmental employment;

(B) at a wage replacement rate that is at least 90 percent of the product of—

(i) the projected national average cost per individual of providing comprehensive paid leave benefits under section 2202 as determined by the Commissioner; and

(ii) 90 percent of the product of—

(A) the number of applications filed during such fiscal year for comprehensive paid leave benefits under section 2202(a)(1) as calculated by the Commissioner; and

(B) the average number of applications filed for such leave during any 12-month period to at least all of those individuals in the State who would be eligible to receive such benefits under section 2202 as determined by the Commissioner.

In making such determination the Commissioner shall be deemed to have taken into account the provisions of section 2202(b)(1) and (2)(D), except that the Commissioner may consider paid leave benefits provided by an employer (whether directly, under a contract with an insurer, or provided through a multiemployer plan) pursuant to a State law described in paragraph (1) or (3) of subsection (b) to the extent that such paid leave benefits are provided by an employer that is not a legacy State. Such benefits shall be considered, for all purposes of this title, paid family and medical leave benefits under the law of a legacy State.

(4) DATA SHARING.—As a condition of receiving a grant under subsection (a) in a calendar year, a State shall enter into an agreement with the Commissioner under which the Commissioner may (i) with such information, to be provided periodically as determined by the Commissioner, concerning individuals who received a paid leave benefit under a State law described in paragraph (1) or (3) of subsection (b), including each individual’s identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such individuals as necessary for the purpose of carrying out this section and section 2202(c)(2)(D);

(5) USE OF TITLE II FUNDS.—No funds made available for the administration of title II may be used to carry out the paid leave program established under this title.

(6) APPROPRIATIONS.—In addition to amounts otherwise available, there is appropriated for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until expended for necessary administrative expenses of the Social Security Administration.

**SEC. 2208. FUNDING FOR STATE ADMINISTRATION OF LEGACY PROCEDURES.**

(1) IN GENERAL.—In each calendar year beginning with calendar year 2025, the Commissioner shall make a grant to each State that, for the calendar year preceding such calendar year, was a legacy State and that met the data sharing requirements of subsection (e), in an amount equal to the lesser of—

(A) an amount, as estimated by the Commissioner, equal to the total amount of comprehensive paid leave benefits that would have been paid under section 2202 as determined by the Commissioner to administer such benefits, not to exceed (for purposes of estimating such total amount under this paragraph) 7 percent of the total amount paid to individuals who received paid family and medical leave benefits under a State law described in paragraph (1) or (3) of subsection (b) during the calendar year that was the most recent calendar year preceding such calendar year; or

(B) an amount equal to the total cost of paid family and medical leave benefits under a State law described in paragraph (1) or (3) of subsection (b) for the calendar year preceding such calendar year, including—

(A) any paid family and medical leave benefits provided by an employer (whether directly, under a contract with an insurer, or provided through a multiemployer plan) as described in subsection (d); and

(B) the full cost to the State of administering such law (except that such cost may not exceed 7 percent of the total amount of paid family and medical leave benefits paid under such State law).

In any case in which, during any calendar year, a State shall be determined by the Commissioner to believe that a State will be a legacy State and meet the data sharing requirements of subsection (e) for such calendar year, the Commissioner may make an estimated payment during such calendar year of the grant which would be paid to such State in the succeeding calendar year, to be adjusted as appropriate in the succeeding calendar year.

(2) LEGACY STATE.—For purposes of this section, the term ‘legacy State’ for a calendar year means a State with respect to which the Commissioner determines that—

(A) the State has enacted, not later than July 1 of such calendar year, the law described in paragraph (1) or (3) of subsection (b), including each individual’s identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such individuals as necessary for the purpose of carrying out this section and section 2202(c)(2)(D);

(3) TERMINATION OF BENEFITS.—If, after such date, a State law of the State provides paid family and medical leave benefits paid under such State law.

(4) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended for administrative expenses described in subsection (b) during the calendar year that provides paid family and medical leave benefits; and

(5) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, $500,000,000, to remain available until expended for administrative expenses described in subsection (b) during the calendar year that provides paid family and medical leave benefits.

**SEC. 2209. REIMBURSEMENT OPTION FOR EM- PLOYER-SPONSORED COMPREHENSIVE PAID LEAVE BENEFITS.**

(a) IN GENERAL.—For each calendar year beginning with calendar year 2022, the Commissioner shall make a grant to each employer that is an eligible employer for such calendar year in an amount equal to—

(i) the lesser of—

(A) the amount of benefits provided under a plan established during any period during which such State was a legacy State; and

(B) the product of—

(i) the projected national average cost per individual of providing comprehensive paid leave benefits under section 2202 as determined by the Commissioner; and

(ii) 90 percent of the product of—

(A) the number of applications filed during such fiscal year for comprehensive paid leave benefits under section 2202(a)(1) as calculated by the Commissioner; and

(B) the average number of applications filed for such leave during any 12-month period to at least all of those individuals in the State who would be eligible to receive such benefits under section 2202 as determined by the Commissioner.

In making such determination the Commissioner shall be deemed to have taken into account the provisions of section 2202(b)(1) and (2)(D), except that the Commissioner may consider paid leave benefits provided by an employer (whether directly, under a contract with an insurer, or provided through a multiemployer plan) pursuant to a State law described in paragraph (1) or (3) of subsection (b)—

(A) such benefits shall be considered, for all purposes under this title, paid family and medical leave benefits under the law of a legacy State; and

(B) leave for which such benefits are paid shall be considered, for all such purposes, leave from covered employment under the law of a legacy State.

(b) DISTRIBUTION OF GRANT FUNDS.—In any case in which paid family and medical leave benefits are provided by one or more employers (whether directly, under a contract with an insurer, or provided through a multiemployer plan) pursuant to the State law described in paragraph (1) or (3) of subsection (b), the State, upon the receipt of any grant amount under subsection (a), may distribute an employer’s appropriate share of such grant to each such employer.

(c) DATA SHARING.—As a condition of receiving a grant under subsection (a) in a calendar year, a State shall enter into an agreement with the Commissioner under which the Commissioner may (i) with such information, to be provided periodically as determined by the Commissioner, concerning individuals who received a paid leave benefit under a State law described in paragraph (1) or (3) of subsection (b), including each individual’s identity, dates for which such paid leave benefits were paid, the amount of such paid leave benefit, and, to the extent available, such other information concerning such individuals as necessary for the purpose of carrying out this section and section 2202(c)(2)(D); and

(d) APPROPRIATION.—In addition to amounts otherwise available, there is appropriated, out of any funds in the Treasury not otherwise appropriated, such sums as may be necessary for the purpose of carrying out such a grant.

(e) REIMBURSEMENT.—Nothing in this section shall be construed to prohibit a plan, program, or benefit pursuant to a plan established during any period during which such State was a legacy State from providing paid family and medical leave benefits that exceed the requirements described in this section.

**SEC. 2209.**
“(ii) the number of eligible employees (within the meaning of subsection (b)(1)(A) and pro-rated for part-time eligible employees) whose employment is covered employment under the employer-sponsored program (as defined in subsection (g)) for such calendar year, or in the case of a calendar year during which the eligible employer sponsored such comprehensive paid leave benefit program, the number of hours the eligible employee (for purposes of determining the number of eligible employees) covered under the program for such calendar year, or in the case of a part-time eligible employee, the number of hours that such employee would have been provided if the eligible employee had continued in employment continuously for the duration of such leave; 

“(iiii) in any case in which an eligible employee elects to appeal such adverse determination from the employer (or administering entity) with respect to comprehensive paid leave benefits under the program described in subparagraph (C)(ii); and 

“(ii) in any case in which the eligible employee elects to appeal such adverse determination to the Commissioner pursuant to section 2205(a)(1)(B) and the final decision of the Commissioner is in the eligible employee’s favor, to provide the employee with the full amount of such comprehensive paid leave benefits in addition to the costs to the Commissioner of such secondary appeal; 

“(ii) provide annual notice to all eligible employees of the extent of such covered employment under an employer-sponsored program (as defined in subsection (g)) and informing them of the right to appeal any adverse determination with respect to comprehensive paid leave benefits under the program described in subparagraph (C)(ii); and 

“(iv) not to impose any penalty on any eligible employee related to ensuring coverage, or to the receipt of comprehensive paid leave benefits, under the program described in subparagraph (C)(ii).

“(C) APPLICATION; SUBMISSION OF REQUIRED INFORMATION.—Not later than the certification deadline specified in paragraph (2)(A) for such calendar year, the employer (or administering entity) shall submit to the Commissioner a written application for a grant under this subparagraph, and, not later than the submission deadline specified in paragraph (2)(B) for such calendar year, provides all documentation relating to such program as the Commissioner may request; and 

“(iv) pays an application fee to the Commissioner in accordance with this subparagraph, such amount to remain available to the Commissioner without further appropriation, in addition to amounts otherwise available, to administer this section and appeals described in section 2205(a)(1)(B).

“(iii) notifies the Commissioner that the employer intends to seek a grant under this section for such calendar year; and 

“(iii) demonstrates by a third party administrator on behalf of the employer (or administering entity), an amount equal to 90 percent of— 

“(A) the amount of benefits paid under the program for such calendar year to eligible employees of the employer for up to 4 weeks of leave per eligible employee; or 

“(B) if lesser, the product of the national average weekly benefit amount paid under section 2203(a) during such calendar year multiplied by the number of hours of leave (up to 4 weeks) paid by the employer for all eligible employees under the program for the calendar year.

“(1) IN GENERAL.—For purposes of subsection (a), an eligible employer for a calendar year is an employer (other than the Federal Government or the government of any State (or political subdivision thereof) that is a legacy State for such calendar year under section 2208) that satisfies all of the following requirements: 

“(A) EMPLOYEES.—The employer has one or more employees during such calendar year whose employment with such employer is not covered employment under the law of a legacy State (as defined in section 2208(c)) (in this section referred to as ‘eligible employees’). 

“(B) GRANT CONDITIONS.—As a condition of the grant, the employer agrees— 

“(i) that, on return from leave under the program described in subparagraph (C)(ii), the eligible employee will be restored to the position of employment held by the eligible employee when the leave commenced; or 

“(ii) to maintain coverage for the eligible employee under any group health plan (as defined in section 2210) for the duration of such leave at the level and under the conditions coverage would have been provided if the eligible employee had continued in employment continuously for the duration of such leave; 

“(iii) in any case in which an eligible employee elects to appeal such adverse determination from the employer (or administering entity) with respect to comprehensive paid leave benefits under the program described in subparagraph (C)(ii)— 

“(A) for which any information contained in such application for such benefits shall be presumed to be true and accurate, unless the employer (or administering entity) demonstrates by a preponderance of the evidence that information contained in the application is false. 

“(B) National AVERAGE Cost.—Not later than October 1 of the calendar year beginning with 2024, the Commissioner shall determine and publish the projected
For purposes of this title—

(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

(2) EMPLOYERS.—Except as to any reference in this title to an individual’s eligibility or ineligibility for comprehensive paid leave benefits program of the employer, including each employer’s name, hours worked, and any wages paid for the calendar year for which the employer receives a grant under subsection (a); and (3) does not include covered employment under the Social Security Act (as defined in section 426(c)(1)).

(f) GREATER BENEFITS PERMITTED.—Nothing in this section shall be construed to prohibit an eligible employer from providing paid family and medical leave benefits that exceed the requirements described in this section.

SEC. 2210. DEFINITIONS.

For purposes of this title:

(1) COMMISSIONER.—The term ‘Commissioner’ means the Commissioner of Social Security.

(2) EMPLOYERS.—Except as to any reference in this title to an individual’s eligibility or ineligibility for comprehensive paid leave benefits for such month, the individual would be entitled to such benefits for such month.

(3) GROUP HEALTH PLAN.—The term ‘group health plan’ has the meaning given such term in section 300(b)(1) of the Internal Revenue Code of 1986.

(4) MULIEMPLOYER PLAN.—The term ‘multiemployer plan’ has the meaning given such term in section 3(37) of the Employee Retirement Income Security Act of 1974.

(5) NATIONAL AVERAGE WAGE INDEX.—The term ‘national average wage index’ has the meaning given such term in section 220(h)(5).
SEC. 130001. CERTAIN COMPREHENSIVE PAID LEAVE BENEFITS EXCLUDED FROM TAXABLE INCOME.

(a) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139I the following new section:

"SEC. 139J. CERTAIN COMPREHENSIVE PAID LEAVE BENEFITS.

"In the case of an individual, gross income shall not include amounts received by the taxpayer by reason of entitlement to a comprehensive paid leave benefit under section 139F or 139G of this title for the taxable year to which such self-employment income relates, and such additional conditions as specified in this section.".

Subtitle B—Miscellaneous Health Items

SEC. 132000. REGISTERED PROFESSIONAL NURSES.

(a) MEDICARE.—Section 1819(b)(4)(C)(i) of the Social Security Act (42 U.S.C. 1395r(b)(4)(C)(i)) is amended by striking "registered professional nurse" and inserting "registered professional nurse, with respect to such services furnished by a paid family and medical leave benefit under a paid family and medical leave benefit program on a permanent basis.".

(b) M EDICAID.—Section 1919(b)(4)(C)(i)(II) of the Social Security Act (42 U.S.C. 1396r(b)(4)(C)(i)(II)) is amended by striking "registered professional nurse" and inserting "registered professional nurse, with respect to such services furnished by a paid family and medical leave benefit program on a permanent basis.".

(c) NNHEALTHCARE.—Sections 3001 and 3002 of title II of the Affordable Care Act (42 U.S.C. 1395l and 1395l-2) are amended by striking "registered professional nurse" and inserting "registered professional nurse, with respect to such services furnished by a paid family and medical leave benefit program on a permanent basis.".

SEC. 132002. EXTENSION OF CERTAIN COMPREHENSIVE PAID LEAVE BENEFITS.

(a) IN GENERAL.—Section 139I of the Social Security Act (42 U.S.C. 1395dd) is amended by striking "paid family and medical leave benefit" and inserting "paid family and medical leave benefit under a permanent baseline funding program applicable to a paid family and medical leave benefit program on a permanent basis.".

(b) EFFECTIVE DATE; APPLICABILITY.—Except as provided in paragraph (2), the amendments made by this section shall apply to taxable years beginning after December 31, 2021.

(c) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services Program Management Account for fiscal year 2022, out of any funds in the Treasury not otherwise appropriated, $90,000,000, to remain available until September 30, 2023, for the costs incurred by the Secretary in administering and carrying out the demonstration program established by this section.

SEC. 133001. SHORT TITLE.

"The Act 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 chapter 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.

SEC. 133003. REPEAL OF SNAPBACK.—Section 406 of the Trade Adjustment Assistance Reauthorization Act of 2015 (Public Law 114–27; 129 Stat. 379) is repealed.
(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) exports of articles produced or services supplied by such workers’ firm have decreased;
(iii) imports of articles or services necessary for the production of articles or services supplied by such firm have decreased; and
(iv) the sales or production, or both, of such firm have decreased; or
(D) by adding at the end the following:
(1) for purposes of providing sustained outreach regarding the benefits available under this chapter to workers covered by a certification, the Secretary may take any necessary actions, including the following:
(A) Collating 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) IN GENERAL.—Section 231(a) of the Trade Act of 1974 (19 U.S.C. 2291(a)) is amended—
(1) by striking paragraph (2);
(2) by redesigning paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and
(3) in paragraph (4) (as redesignated), by striking ‘‘(1) and (2)’’ each place it appears and inserting ‘‘paragraph (1)’’.

SEC. 133106. MODIFICATION TO TRADE READJUSTMENT ALLOWANCES.

Section 233 of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—
(1) by inserting after ‘‘paragraphs (1) and (2)’’ each place it appears and inserting ‘‘paragraph (1)’’;
(2) by redesigning paragraphs (3), (4), and (5) as paragraphs (2), (3), and (4), respectively; and
(3) by adding at the end the following:
(1) for purposes of providing sustained outreach regarding the benefits available under this chapter to workers covered by a certification, the Secretary may take any necessary actions, including the following:
(A) Collating 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).

(b) CONFORMING AMENDMENTS.—(1) Section 222 of the Trade Act of 1974 (19 U.S.C. 2292) is amended by striking ‘‘section 221(a)(2)(B)’’ each place it appears and inserting ‘‘section 221(a)(2)(B)’’.
(2) Section 223(a) of the Trade Act of 1974 (19 U.S.C. 2293(a)) is amended—
(A) in paragraph (1), by striking ‘‘section 231(a)(3)(A)’’ and inserting ‘‘section 231(a)(3)(A)’’;
(B) in paragraph (2)—
(i) by striking ‘‘adversely affected employment’’ and all that follows through ‘‘(A) within’’ and inserting ‘‘adversely affected employment’’;
(ii) by striking ‘‘, and’’ and inserting a period; and
(iii) by striking subparagraph (B).

SEC. 133107. AUTOMATIC EXTENSION OF TRADE READJUSTMENT ALLOWANCES.

(a) IN GENERAL.—Part I of subchapter B of chapter 7 of title II of the Trade Act of 1974 (19 U.S.C. 2291-2294) 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 232(a), the Secretary shall extend the period during which trade readjustment allowances are payable to an adversely affected worker who completes training 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.

SEC. 133108. EMPLOYMENT AND CARE MANAGEMENT SERVICES.

Section 215 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 registered apprenticeship programs, on-the-job training opportunities, and other work-based learning opportunities)’’; and
(B) by striking ‘‘helping the training provider’s ability to successfully place participants into suitable employment’’ and inserting ‘‘helping the training provider’s ability to successfully place participants into suitable employment’’;
(2) by redesigning 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 were unemployed due to the employment and case management services under this section.

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 within the time period specified under this paragraph’’;
(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 completion of training; and

(C) in paragraph (5),

(i) in subparagraph (G), by striking "", and"; and

(ii) by inserting a comma;

(ii) in subparagraph (H)(ii), by striking the periods preceding "", 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:

(III) REIMBURSEMENT FOR OUT-OF-POCKET TRAINING EXPENSES.—If the Secretary approves training under paragraph (2) of subsection (a), the Secretary may reimburse the worker for out-of-pocket expenses related 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, such amounts as may be necessary"; and

(2) in subsection (b)(3), in the matter preceding subparagraph (A), by striking "may grant" and inserting "shall grant"; and

(b) by striking at the end the following:

(4) by adding at the end the following:

(II) 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.

(II) SPECIAL RULES FOR CALCULATION OF ADJUSTMENT.—In making an adjustment under paragraph (1), 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) by adding after the words "Labor Statistics of the Department of Labor" the following:

(1) C OORDINATION.—Section 239(f) of the Trade Act of 1974 (19 U.S.C. 2296(a)(2)) is amended—

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

"(F) Any agreement"; and

(b) AMOUNT OF ALLOWANCE.—Any child care allowance granted to a worker under subsection (b)(3) shall not exceed $2,000 per minor dependent that would normally be claimed as an expense to establish a work history, demonstrate success in the workplace, and develop the skills along a career path, wage and that increase economic security;

"(B) assist workers in developing the skills, and placement in jobs that provide a living wage and that increase economic security;

"(C) 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.

"(D) By 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.

"(E) 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.

"(F) least well-being of workers with the needs of businesses.

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

"(Sec. 238A. Child care allowances.)."

SEC. 133111. AGREEMENTS WITH STATES.

(a) COORDINATION.—Section 238(f) of the Trade Act of 1974 (19 U.S.C. 2296(f)) is amended—

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

"(F) 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, and the Secretary, 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 and well-being of workers with the needs of businesses;

"(B) assist workers in developing the skills, and well-being of workers with the needs of businesses.

(3) "(C) assist workers from underserved communities to establish a work history, demonstrate success in the workplace, and develop the skills along a career path, wage and that increase economic security;

"(D) By 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.

"(E) By 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.

"(F) least well-being of workers with the needs of businesses.

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

"(Sec. 238A. Child care allowances.)."
SEC. 133113. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE PROGRAM.

Section 248(a) of the Trade Act of 1974 (19 U.S.C. 2318(a)) is amended—

(1) in the matter preceding subparagraph (A), by striking "Subject to section 248(b)," and inserting "Subject to section 248(b), if there is an increase in the average of the Consumer Price Index after, to reflect the percentage (if any) of the increase in the average of the Consumer Price Index from the beginning of each fiscal year thereafter to the end of each fiscal year, or for the 12-month period preceding the fiscal year in which the acquisition described in paragraph (8) was made, the Secretary shall adjust the salary limitation under paragraph (8)); and

(2) by adding at the end the following:

"(c) ADVERSELY AFFECTED WORKERS IN PUBLIC AGENCIES.—A group of workers in a public agency shall be certified by the Secretary, if the Secretary determines that—

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

"(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; and

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

SEC. 133114. DEFINITIONS.

(a) EXTENSION OF TRADE ADJUSTMENT ASSISTANCE FOR WORKERS TO TERRITORIES.—Section 247(f)(7) of the Trade Act of 1974 (19 U.S.C. 2319(f)(7)) is amended by adding at the end the following:

"(20) The term 'public agency' means a governmental or other public authority, or group of governmental or other public authorities, that is primarily engaged in providing public services, including services like or directly competitive with services like those of the Federal Government, and the public services of such governmental or other public authority or group include services like or directly competitive with services like those of the Federal Government.

SEC. 133115. REQUIREMENTS FOR CERTAIN TERRITORIES.

Section 248 of the Trade Act of 1974 (19 U.S.C. 2320) is amended—

(1) in subsection (a), by adding at the end the following:

"(C) REQUIREMENTS FOR CERTAIN TERRITORIES.—The Secretary shall establish such requirements as may be necessary and appropriate to modify the requirements of this chapter, including requirements relating to eligibility for trade readjustment allowances, to address the particular circumstances of Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands in implementing and carrying out this chapter.

SEC. 133116. 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:

"(B) Any firm that engages in exploration or drilling for oil or natural gas shall be considered to be a firm producing or refining petroleum 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 a firm producing or refining petroleum or natural gas.

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"(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 a firm producing or refining petroleum 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 a firm producing or refining petroleum or natural gas.
(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 thereat 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. 133292. APPROVAL OF ADJUSTMENT PROPOSALS.
Section 252 of the Trade Act of 1974 (19 U.S.C. 2342) is amended—
   (1) by inserting after 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 no less than $200,000, 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.
   (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 the following:

   “(C) 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 4 of title II of the Trade Act of 1974 (19 U.S.C. 2371-2372) 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 redesigning sections 271 and 272 as sections 271 and 272A, respectively; and
   (3) by inserting before subsection 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 Secretary of Commerce, the Assistant Secretary for Economic Development, or the Secretary for Economic Development, shall, not later than 180 days after the date of enactment of this subchapter, apply for adjustment assistance under section 272,
      (C) an Indian Tribe;
   (3) ELIGIBLE COMMUNITY.—The term ‘eligible community’ means any community, as determined by the Secretary, that a petition is filed with respect to which the petition is filed for adjustment assistance under section 272;
   (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 public subdivision of a State;
   (5) SECRETARY.—The term ‘Secretary’ means the Secretary of Commerce.

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 adjustment assistance under this subchapter 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 221.
            (ii) By the Secretary of Commerce, that a firm located in the community is eligible to apply for adjustment assistance under section 231.
            (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 239.
         (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 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 a history of economic distress and long-term unemployment, as determined by the Secretary; 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) are made with respect to a community, the applicable Secretary shall, upon 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 an implementation grant 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 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.
   (c) EFFICIENT ADMINISTRATION.—The Secretary may—
      (1) 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
("(I) 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.

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

(III) USE OF FUNDS IN PROJECTS CONSTRUCTED UNDER CONTRACT.—

(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.

(G) 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 paragraph (2), 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.

(H) LIMITATION.—The total amount of grants awarded with respect to an eligible community under this section for fiscal years 2022 through 2025 may not exceed $25,000,000.

(E) PRIORITY.—The Secretary shall, in selecting 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 selecting grants under this section, ensure that grants are awarded with respect to eligible communities that have a history of economic distress and long-term unemployment, as determined by the Secretary.

(2) GEOGRAPHIC REGION REQUIREMENT.—The Secretary shall, in meeting the requirement under paragraph (1), award grants within the United States in a geographically diverse area.

(G) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible communities in order to facilitate the development of strategic plans and to facilitate the implementation of strategic plans to carry out the strategic plan.

(H) TECHNICAL ASSISTANCE.—The Secretary shall provide technical assistance to eligible communities in order to facilitate the development of strategic plans and to facilitate the implementation of strategic plans to carry out the strategic plan.

(I) STRATEGIC PLANS.—

(a) IN GENERAL.—A strategic plan must meet the requirements of this section if—

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

(A) the commitment of the community to achieve economic adjustment to the impact of trade;

(B) an analysis of the economic development challenges and opportunities facing the community, including the strengths and weaknesses of the economy of the community;

(C) an assessment of the extent to which such other economic development activities, to implement projects that diversify and strengthen the economy in the community.

(D) a strategy for continuing the community's economic adjustment to the impact of trade after the completion of such projects.

(E) a description of the methods of financing to be used to implement the strategic plan, including—

(1) an implementation grant received under section 274 or similar services;

(2) a loan, including the establishment of a revolving loan fund; or

(F) other types of financing.

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

(approved CEDS or equivalent).—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.

(b) 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 subsection.

(c) ALLOCATION.—The funds appropriated to carry out this section for each of the fiscal years 2023 through 2025, the Secretary may make available not more than $20,000,000 to award grants under section 274(a)(1).

(SUBCHAPTER B—COMMUNITY COLLEGE AND CAREER TRAINING GRANT PROGRAM)

Sec. 276. 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 subsection, including with respect to—

(A) administering the awarding of grants under section 274, including such 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 individually tailored assistance to each eligible community that receives a grant under section 274(a) or seeks technical assistance under section 274(b) to develop and implement a strategic plan that meets the requirements of section 275.

(c) Clerical amendment.—The table of contents for the Trade Act of 1974 is amended by inserting after the title "Chapter 5. Trade Adjustment Assistance for Communities" 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. General provisions.

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

"Sec. 280. Subchapter B—Community College and Career Training Grant Program.

"Sec. 281. Community College and Career Training Grant Program.

"Sec. 282. Authorization of appropriations."

Sec. 133010. Trade Adjustment Assistance for Community Colleges and Career Training.

Section 279 of the Trade Act of 1974, as redesignated by section 133010(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"; and
(II) by striking "(B)" and inserting "(B)(i) in the case of an eligible institution,"; and
(III) by striking the period at the end and inserting "or"; and
(IV) 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 clause (I), by striking "and" at the end, and
(ii) by adding at the end the following: 
"(III) any opportunities to support industry or organizations by developing and expanding 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) At least two services, including childcare, transportation, mental health services, 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 or other needs by developing and expanding quality academic programs and curricula; and
(D) Navigation, coaching, mentorship, and scale career training programs, including career and technical education programs, and support services for students participating in such programs.
"(3) 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) ELIGENTS.—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.
(4) FUNDING TO localized PROVINCES.—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 298 of the Trade Act of 1974 (19 U.S.C. 2461a) is amended—
(A) in subsection (c)—
(i) by striking paragraph (3); and
(ii) by redesignating paragraphs (4) through (7) as paragraphs (3) through (6), respectively; and
(B) 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. 2461a) 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)(i)"; and
(C) by redesignating paragraph (3) as clause (i) 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:
"(2)(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 (e)(3), by adding at the end the following:
"(C) The provision of direct financial assistance to help students facing financial hardships or other needs by developing and expanding quality academic programs and curricula; and
SEC. 133403. BENEFIT INFORMATION TO AGRICULTURAL COMMODITY PRODUCERS.
Section 295(a) of the Trade Act of 1974 (19 U.S.C. 2461a(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. 2461a(a)) is amended—
(1) in subsection (a)(1), by striking "90 days" and inserting "120 days"; and
(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 "$12,000"; and
(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 paragraph (2) of this subsection 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 2021.
(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 (CPI-U) 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. 2271 note) is amended by striking '2021' each place it appears and inserting '2025'.
(b) TRAINING FUNDS.—Section 236(b)(3)(A) of the Trade Act of 1974 (19 U.S.C. 2296(b)(3)(A)) is amended by section 133110(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; (ii) 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 2025."
(c) EMPLOYMENT 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 '2025'.
(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 '2025'; and
(B) by adding at the end the following:
"(4) 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 1 percent for administration of the program (in addition to amounts otherwise available for such purposes), technical assistance, grants for pilots and demonstrations, and the evaluation of activities conducted under this chapter."
(2) TRADE ADJUSTMENT ASSISTANCE FOR FISMS.—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 the period the following: "and $30,000,000 for each of the fiscal years 2022 through 2025.''
(3) TRADE ADJUSTMENT ASSISTANCE FOR COMMUNITY COLLEGES AND CAREER TRAINING.—Subsection (a) of section 255 of the Trade Act of 1974 (as redesignated) is amended by striking "$40,000,000" and all that follows through "December 31, 2010," and inserting "$300,000,000 for each of the fiscal years 2022 through 2025.
(4) TRADE ADJUSTMENT ASSISTANCE FOR FARMERS.—Section 298 of the Trade Act of 1974 (19 U.S.C. 2461a) is amended—
(A) in subsection (a) (w) —
(i) by striking "$90,000,000" and inserting "$10,000,000"; and
(ii) by striking '2021' and inserting '2025'; and
(B) by adding at the end the following:
"(C) RESERVATION BY THE SECRETARY.—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 2025, 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 in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

(2) TRADE, AND GLOBALIZATION ADJUSTMENT ASSISTANCE.—In addition to amounts otherwise available, there is appropriated for each of fiscal years 2022 through 2025, out of any money in the Treasury not otherwise appropriated, $2,000,000,000, to remain available until expended, to carry out the provisions of chapter 3 of title II of the Trade Act of 1974, as in effect on such date of enactment, or as such provisions may be amended after such date of enactment.

(f) CONFORMING AMENDMENTS.—

(1) TRADE ACT OF 2002.—Section 151 of the Trade Act of 2002 (22 U.S.C. 2317 note) is amended by striking subsections (a), (b), and (c).

(2) TRADE, AND GLOBALIZATION ADJUSTMENT ASSISTANCE.—Section 251 of the Trade and Globalization Adjustment Assistance Act of 2009 (19 U.S.C. 2271 note) is repealed.

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

(A) in section 201 (19 U.S.C. note prec. 2271, by striking paragraphs (1)(B) and (2),

(B) in section 231(a) (19 U.S.C. 2319(a)), 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).

(h) TRADE ADJUSTMENT ASSISTANCE FOR FIRMS.—

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

(C) 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) of paragraph (1)(B), the Secretary shall—

(i) consider that determination; and

(ii) if the firm or its representative files a petition for certification of eligibility under section 251 of the Trade Act of 1974 pursuant to a petition described in subparagraph (C) of paragraph (1)(B), the Secretary shall—

(2) TRADE ADJUSTMENT ASSISTANCE FOR FITS.—

(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 Commerce has not made a determination with respect to whether to certify a worker as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974, as in effect on such date of enactment, the Secretary shall—

(i) consider 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.

(B) Petition described.—A petition described in this subparagraph is a petition for a certification of eligibility under section 221 of the Trade Act of 1974 or on or after January 1, 2021, and before the date of the enactment of this Act.

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

(2) EFFECTS.—

(A) IN GENERAL.—Except as provided in paragraph (B), a worker certified as eligible to apply for adjustment assistance under section 222 of the Trade Act of 1974, as in effect on such date of enactment, has 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.

(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, as in effect on the date of 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 such date of enactment, or as such provisions may be amended after such date of enactment.

(c) 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, as in effect on the date of 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 such date of enactment, or as such provisions may be amended after such date of enactment.
SEC. 135003. SUNSET PROVISIONS.

(a) APPLICATION OF PRIOR LAW.—Subject to subsection (b), beginning on July 1, 2025, the provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974 (19 U.S.C. 2271-2401g), as in effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapter—

(1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect; and

(2) section 232 of that Act shall be applied and administered—

(A) in subsection (a); and

(B) by applying and administering subsection (g) as if it read as follows:

"(g) 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 this chapter and needed to complete a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

"(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

"(2) the worker participates in training in each such week; and

"(3) the worker—

(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

(B) is expected to continue to make progress toward the completion of the training; and

"(C) will complete the training during that period of eligibility;"

(3) in section 282(c) of that Act that Act shall be applied and administered as if "June 30, 2025" for "December 31, 2007";

(4) section 246(b)(1) of that Act shall be applied as if in lieu of the text of section 246(b)(1) as if "June 30, 2025" for "the date that is 5 years and all that follows through "State";

(5) section 232(b) of that Act shall be applied and administered as if in lieu of the text of section 232(b) as if "July 1, 2025" for "each of fiscal years 2005 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007;"

(6) section 298(a) of that Act shall be applied and administered as if in lieu of the text of section 298(a) as if "July 1, 2025" for "each of the fiscal years that follow through October 1, 2007; and"

(7) section 285 of that Act shall be applied and administered as if in lieu of the text of section 285 as if "the 1-year period beginning on July 1, 2025" for "each of fiscal years 2005 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007;"

(8) section 304(e)(1) of that Act shall be applied and administered as if in lieu of the text of section 304(e)(1) as if "the 1-year period beginning on July 1, 2025" for "each of fiscal years 2005 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007;"

(9) section 302 of that Act shall be applied and administered as if in lieu of the text of section 302 as if "the 1-year period beginning on July 1, 2025" for "each of the fiscal years that follow through October 1, 2007; and"

(10) section 285 of that Act shall be applied and administered as if in lieu of the text of section 285 as if "the 5-year period ending on June 30, 2025" for "the 5-year period ending on December 31, 2007;"

(11) the extent funds are available pursuant to such chapter for such purpose; and

(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

(2) FARMERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2026.

(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2026, may be provided—

(i) to the extent funds are available pursuant to such chapter for such purpose; and

(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

(3) Exception.—The provisions of chapters 2, 3, 5, and 6 of title II of the Trade Act of 1974, as in effect on the date of the enactment of this Act, shall continue to apply and on after July 1, 2025, with respect to—

(1) workers certified as eligible for trade adjustment assistance benefits under chapter 2 of title II of that Act pursuant to petitions filed under section 221 of that Act before July 1, 2025; and

(2) firms certified as eligible for technical assistance or grants under chapter 3 of title II of that Act pursuant to petitions filed under section 231 of that Act before July 1, 2025; and

(C) other pertinent evidence of in-demand jobs or other opportunities for mentoring or peer support, and make career coaching available, as part of the case management plan;

(D) 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;

(S) applications that include a commitment to providing project participants with a cash stipend or wage supplement; and

(E) grants that provide an emergency cash fund to assist project participants financially in emergency situations.

(3) COMPETITIVE GRANTS.—

(A) GRANT AUTHORITY.—

(i) OF ELIGIBILITY.—The Secretary shall 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, physician assistants, nursing assistants, registered nurse, advanced practice nurse, and other professions considered part of a health career pathway model.

(ii) GRANTS OF GRANTS.—In effect on January 1, 2014, shall be in effect and apply, except that in applying and administering such chapter—

(1) of section 231(c) of that Act shall be applied and administered as if subparagraphs (A), (B), and (C) of that paragraph were not in effect; and

(2) section 232 of that Act shall be applied and administered—

(A) in subsection (a); and

(B) by applying and administering subsection (g) as if it read as follows:

"(g) PAYMENT OF TRADE READJUSTMENT ALLOWANCE 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 this chapter and needed to complete a degree or industry-recognized credential, payments may be made as trade readjustment allowances for not more than 13 weeks within such period of eligibility as the Secretary may prescribe to account for a break in training or for justifiable cause that follows the last week for which the worker is otherwise entitled to a trade readjustment allowance under this chapter if—

"(1) payment of the trade readjustment allowance for not more than 13 weeks is necessary for the worker to complete the training;

"(2) the worker participates in training in each such week; and

"(3) the worker—

(A) has substantially met the performance benchmarks established as part of the training approved for the worker;

(B) is expected to continue to make progress toward the completion of the training; and

"(C) will complete the training during that period of eligibility;"

(3) in section 282(c) of that Act that Act shall be applied and administered as if "June 30, 2025" for "December 31, 2007";

(4) section 246(b)(1) of that Act shall be applied as if in lieu of the text of section 246(b)(1) as if "June 30, 2025" for "the date that is 5 years and all that follows through "State";

(5) section 232(b) of that Act shall be applied and administered as if in lieu of the text of section 232(b) as if "July 1, 2025" for "each of fiscal years 2005 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007;"

(6) section 298(a) of that Act shall be applied and administered as if in lieu of the text of section 298(a) as if "July 1, 2025" for "each of the fiscal years that follow through October 1, 2007; and"

(7) section 285 of that Act shall be applied and administered as if in lieu of the text of section 285 as if "the 1-year period beginning on July 1, 2025" for "each of fiscal years 2005 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007;"

(8) section 304(e)(1) of that Act shall be applied and administered as if in lieu of the text of section 304(e)(1) as if "the 1-year period beginning on July 1, 2025" for "each of fiscal years 2005 through 2007, and $4,000,000 for the 3-month period beginning on October 1, 2007;"

(9) section 302 of that Act shall be applied and administered as if in lieu of the text of section 302 as if "the 1-year period beginning on July 1, 2025" for "each of the fiscal years that follow through October 1, 2007; and"

(10) section 285 of that Act shall be applied and administered as if in lieu of the text of section 285 as if "the 5-year period ending on June 30, 2025" for "the 5-year period ending on December 31, 2007;"

(11) the extent funds are available pursuant to such chapter for such purpose; and

(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.

(2) FARMERS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), assistance may not be provided under chapter 6 after June 30, 2026.

(B) EXCEPTION.—Notwithstanding subparagraph (A), any assistance approved under chapter 6 on or before June 30, 2026, may be provided—

(i) to the extent funds are available pursuant to such chapter for such purpose; and

(ii) to the extent the recipient of the assistance is otherwise eligible to receive such assistance.
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.

(B) GUARANTEE OF GRANTS FOR INDIAN POPULATIONS.—The Secretary shall award a grant under this paragraph to at least 10 eligible entities that are an Indian tribe, an Alaska Native Corporation, 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.

(C) GUARANTEE OF GRANTS IN THE TERRITORIES.—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.

(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 for whom the project and the State finds is necessary 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 and continuing ongoing coaching and mentoring;

(III) Embedding adult basic skill maintenance as part of ongoing post-graduation career coaching and mentoring;

(iv) A guarantee that child care is available and affordable, and 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 subsidized child care program is not available or reasonably accessible.

(v) Payment of co-payments or associated fees for child care.

(vi) Linking 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 for project participants with transportation through means such as the following:

(I) Referral to, and assistance with enrollment in, a transportation program, a public transit program, or a public transit system, if transportation is needed to participate in the project;

(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.

(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, certification exam fees, and training materials such as books, software, uniforms, shoes, connection to the internet, 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.

(viii) Training and 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), 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 and instruction 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.

(C) EIGHTH YEAR.—The evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other under-represented 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 workforce.

(3) REQUIREMENT APPLICABLE TO MATERNAL MORTALITY CAREER PATHWAY.—In the case of a project of the type described in subsection (h), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other under-represented 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 workforce.

(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 requirements under that State program, without regard to whether the individuals receive benefits or services directly under that State program.

(5) EIGHTH YEAR.—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.

(c) TAXI SERVICE.—(1) IN GENERAL.—The Secretary shall provide technical assistance—

(A) to assist eligible entities in applying for grants under this section; and

(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, Alaska Native Corporations, tribal organizations, and tribal colleges and universities;

(D) that is tailored to meet the specific needs of the territories; and

(E) that is tailored to meet the specific needs of applicants, eligible entities, and grantees, in carrying out dedicated career pathway projects pursuant to subsections to subsections to this section 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 DEDICATED CAREER PATHWAY.—

(1) IN GENERAL.—The Secretary shall, by grant, contract, or interagency agreement, conduct rigorous and well-designed evaluations of the dedicated career pathway projects carried out under this section to substantiate to the Secretary the extent there are a sufficient number of applications 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.

(2) REQUIREMENT APPLICABLE TO SECOND CHANCE CAREER PATHWAY.—In the case of a project of the type described in subsection (b), 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 MATERNAL MORTALITY CAREER PATHWAY.—In the case of a project of the type described in subsection (h), the evaluation shall include identification of successful activities for creating opportunities for developing and sustaining, particularly with respect to low-income individuals and other under-represented 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 workforce.

(g) SUPPORT FOR GRANTEES.—(1) GRANT AUTHORITY.—The Secretary shall award grants in accordance with this subsection to eligible entities to conduct career pathway projects for the purpose of providing education for professions such as doula, lactation consultants, childbirth educators, infant massage therapists, newborn care specialists, midwives, and professional development and that provides increased wages and affordable benefits, including health care coverage, that are responsive to the needs of the workforce.

(2) DURATION.—A grant awarded under this subsection shall have the same grant cycle as is provided in subsection (c)(2), and as a condition of funding the grantee shall comply with all data reporting requirements associated with the grant cycle.
(3) APPLICATION REQUIREMENTS.—An entity seeking a grant under this subsection for a project shall submit to the Secretary an application for the grant, that includes the following:

(A) A demonstration of partnerships, strategic hiring decisions, tailored program activities, or other programmatic elements of the project that are designed to support a strong career pathway in pregnancy, birth, or post-partum services.

(B) A demonstration that the State in which the project is to be conducted recognizes and permits doula and midwife practice in the State.

(C) 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 that has the experience.

(D) SUPPORT TO BE PROVIDED.—The recipient of a grant under this subsection for a project shall provide required supportive services described in subsection (d)(2)(A) to project participants who need the services, and may expend funds on eligible supportive services described in subsection (d)(2)(B).

(i) access to legal assistance for project participants for the purpose of addressing arrest or conviction records and associated workforce barriers;

(ii) assistance with programs and activities deemed necessary to address arrest or conviction records as an employment barrier;

(iii) required supportive services described in subsection (d)(2)(A) to participants who need the services, and may expend funds on eligible supportive services described in subsection (d)(2)(B).

(4) SECOND CHANCE CAREER PATHWAY.—

(1) GRANT AUTHORITY. — The Secretary shall award grants in accordance with this subsection to eligible entities to conduct career pathway projects for the purpose of providing education and training, to include training and retraining of individuals with arrest or conviction records to enter and follow a career pathway in the health professions occupations that are expected to experience a labor shortage or in-demand jobs for which the individual's pregnancy, childbirth, and post-partum period; and

(B) maintains the certification by completing the required continuing education.

(5) 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 107 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, an Alaska Native Corporation, a tribal corporation, or a tribal college or university.

(D) A higher education (as defined in section 102 of 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 330(e)).

(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.

(6) ELIGIBLE INDIVIDUAL.—The term ‘eligible individual’ means an individual who —

(A) is certified by an organization that has been established for not less than 3 years and that requires the completion of continuing education, to maintain certification, provides non-medical advice, information, emotional support, and physical comfort to an individual during the individual’s pregnancy, childbirth, and post-partum period;

(B) maintains the certification by completing the required continuing education.

(7) FEDERAL POVERTY LEVEL.—The term ‘federal poverty level’ means the poverty line as defined in the Budget Reconciliation Act of 1981, including the following:

(A) $138,750,000 for fiscal year 2022; and

(B) $338,014,751 for each fiscal year 2023 through 2026.

(8) 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 107 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, an Alaska Native Corporation, a tribal corporation, or a tribal college or university.

(D) A higher education (as defined in section 102 of 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 330(e)).

(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.

(1) access to legal assistance for project participants for the purpose of addressing arrest or conviction records and associated workforce barriers;

(ii) assistance with programs and activities deemed necessary to address arrest or conviction records as an employment barrier;

(iii) required supportive services described in subsection (d)(2)(A) to participants who need the services, and may expend funds on eligible supportive services described in subsection (d)(2)(B).

(2) for grants under subsection (c)(1)(A);—

(A) $138,750,000 for fiscal year 2022; and

(B) $338,014,751 for each fiscal year 2023 through 2026.

(3) for grants under subsection (c)(1)(B);—

(A) $17,000,000 for fiscal year 2022; and

(B) $18,027,650 for each fiscal year 2023 through 2026.

(4) for grants under subsection (c)(1)(C);—

(A) $21,250,000 for fiscal year 2022; and

(B) $22,534,563 for each fiscal year 2023 through 2026.

(5) for the provision of technical assistance and administration—

(A) for fiscal year 2022, $25,500,000 plus all amounts referred to in paragraphs (1) through (3) of this subsection that remain unused after all grant awards are made for the fiscal year; and

(B) for each of fiscal years 2023 through 2026, $27,041,475 plus all amounts referred to in paragraphs (1) through (4) of this subsection that remain unused after all grant awards are made for the fiscal year; and

(6) for the purpose of funding projects for which a grant is made under this section, and for administration, for the purpose of supporting the rigorous evaluation of the projects, the competitive award of the funding toward the rigorous evaluation of the projects, the competitive award of the funding toward short-, medium-, and long-term effects of all such projects, including the effectiveness of new or added elements of the projects—

(A) $17,000,000 for fiscal year 2022; and

(B) $18,027,650 for each of fiscal years 2023 through 2026.

PART 2—PROVISIONS RELATING TO ELDER JUSTICE

SEC. 134201. AUTHORIZATION OF FUNDING FOR PROGRAMS TO PREVENT AND INVESTIGATE ELDER ABUSE, NEGLECT, AND OPPRESSION.

(a) LONG-TERM CARE STAFF TRAINING GRANTS.—Section 2041 of the Social Security Act (42 U.S.C. 1396m) 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, in addition to amounts otherwise available, there is appropriated to the Secretary for each of fiscal years 2023 through 2026—

(1) $415,696,400 for grants under subsection (b)(1); and

(2) $6,833,800 for grants under subsection (b)(2).

(b) ELIGIBLE GRANTS.—

(1) STATE ENTITLEMENT.

(A) IN GENERAL.—Each State shall be entitled to receive 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.

(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 for Indian tribes and tribal organizations which 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) REQUIREMENTS.—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 nonprofits, elder rights and justice groups, and workforce development boards for any purpose described in paragraph (1) or (2) of subsection (c).

(4) ELIGIBLE SETTING.—The term ‘eligible setting’ means—

(a) a skilled nursing facility, as defined in section 1919;

(b) a nursing facility, as defined in section 1819;

(c) an intermediate care facility, as defined in section 418.76 of such title; or

(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 1819; or

(f) in-home care facility, as defined in section 1905(g); or

(g) a tribal assisted living facility.

(5) GRANT FORMULA.—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 paragraph and shall apply to grantees under this paragraph in the same manner in which the paragraphs apply to States.

(6) 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) $415,696,400 for grants to States under this subsection; and

(B) $8,483,600 for grants to Indian tribes and tribal organizations under this subsection; and

(7) USE OF FUNDS.—(c) USE OF FUNDS.—

(i) by striking paragraph (2) and inserting the following:

(iv) in paragraph (4)—

(ii) by striking paragraph (2) and inserting the following:

(v) in paragraph (5)—

(iii) by striking paragraph (4) and inserting—

(iv) in paragraph (6)—

(v) in paragraph (7)—

(8) ADMINISTRATION.—A State to which a grant is made under subsection (b) shall retain not more than 10 percent of the amount to—

(9) CONFORMING AMENDMENT.—Section 2042 of such Act (42 U.S.C. 1397m–1) is amended—

(1) D IRECT FUNDING ; STATE ENTITLEMENT .—

(2) STATE ENTITLEMENT; GRANTS TO INDIAN TRIBES AND TRIBAL ORGANIZATIONS.—Section 2042 of such Act (42 U.S.C. 1397m–2) is amended—

(A) in subsection (a)(1)(A), by striking “State and” 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 (4)”;

(C) in subsection (b)(2)—

(i) in the paragraph heading, by inserting “FOR A STATE” after “PAYMENTS”;

(ii) in subsection (a)(4), 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 (6) as paragraphs (4) through (7), respectively, and inserting after paragraph (2) the following:

(2) 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 paragraph and shall apply to grantees under this paragraph in the same manner in which the paragraphs apply to States.

(3) 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) $415,696,400 for grants to States under this subsection; and

(B) $8,483,600 for grants to Indian tribes and tribal organizations under this subsection; and

(4) DEFINITIONS.—(A) IN GENERAL.—In this section, the term ‘Indian tribe’ and ‘tribal organization’ have the meanings given in section 419.!

(5) CONFORMING AMENDMENT.—Section 2041(2) of such Act (42 U.S.C. 1397m–2(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
(c) LONG-TERM CARE OMBUDSMAN PROGRAM GRANTS.—Section 2403 of the Social Security Act (42 U.S.C. 1397m–2) is amended—

(1) in subsection (a), by striking paragraph (2) and inserting the following:

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"(ii) Inflation adjustment after 2025.—In the case of calendar years after 2025, 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) the cost-of-living adjustment determined under section 1(f)(3) for such calendar year by substituting ‘calendar year 2024’ for ‘calendar year 2023’ 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. 135102. TAX-EXEMPT BOND FINANCING REQUIREMENT.

(a) In general.—Section 42(h)(4)(B) is amended to read as follows:

"(B) By inserting after paragraph (5) the following:

"(6) Portion of state ceiling subject to volume cap.—For purposes of subparagraphs (A) and (paragraph (5)) shall not apply to any portion of the credit allowable under subsection (a) with respect to a building if—

"(I) 50 percent or more of the aggregate basis of such building and the land on which the building is located is financed by any obligation described in subparagraph (A), or

"(II) 25 percent or more of the aggregate basis of such building and the land on which the building is located is financed by any obligation described in subparagraph (A) and issued in calendar year 2022, 2023, 2024, 2025, or 2026.

(b) Effective date.—The amendment made by this section shall apply to any building some portion of which, or of the land on which the building is located, is financed by any obligation described in subparagraph (A) and issued in calendar year 2022, 2023, 2024, 2025, or 2026.

SEC. 135103. BUILDINGS DESIGNATED TO SERVE EXTREMELY LOW-INCOME HOUSEHOLDS.

(a) Reserved state allocation.—

"(1) In general.—Section 42(h)(4)(B) 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 92 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 (as determined as if the imputed income limitation applicable to such units were 30 percent of area median gross income) and are designed and occupied by households the aggregate household income of which does not exceed the greater of—

"(i) 30 percent of area median gross income, or

(ii) the Federal poverty line (within the meaning of section 36B(d)(3)).

(II) which received its allocation of housing credit dollar amount before January 1, 2022, or

(III) in the case of a building any portion of which is financed as described in paragraph (4), and which received before January 1, 2022, under the rules of paragraphs (1) and (2) of subsection (m), a determination from the issuer of the tax-exempt bonds of the housing credit agency that the building would be eligible under the qualified allocation plan to receive an allocation of housing credit dollar amount or that the credits to be allocated are necessary for financial feasibility of the project and its viability as a qualified low-income housing project through out the credit period.

(II) buildings described.—Subparagraph (E) of section 42(h)(7), as so redesignated, is amended by adding by adding at the end the following new clause:

"(III) buildings described.—A building described in the case of a building described in clause (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), and which received before January 1, 2022, under the rules of paragraphs (1) and (2) of subsection (m), a determination from the issuer of the tax-exempt bonds of the housing credit agency that the building would be eligible under the qualified allocation plan to receive an allocation of housing credit dollar amount or that the credits to be allocated are necessary for financial feasibility of the project and its viability as a

low-income housing project through out the credit period.

(b) Rules relating to existing projects.—Subparagraph (F) of section 42(h)(7), as redesignated by section 135403, 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) and that 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).

(c) Conforming amendments.—(1) Paragraph (7) of section 42(h), as redesignated by section 135403, is amended by striking subparagraph (G) and by redesignating subparagraphs (H), (I), (J), and (K) as subparag
graphs (H), (I), (J), and (K).

(2) Subclause (II) 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 right of first refusal was described in section 42(h)(7)(H) of the Internal Revenue Code of 1986, as redesignated by section 135403 and subsection (c), is submitted after the date of the enactment of this Act.

SEC. 135105. MODIFICATION AND CLARIFICATION OF RIGHTS RELATING TO BUILDING PURCHASE.

(a) Modification of right of first refusal.—

"(1) In general.—Subparagraph (A) of section 42(h)(7) is amended by striking "a right of 1st refus" and inserting "an option".

(b) Conforming amendment.—The heading of paragraph (7) of section 42(i) is amended by striking "RIGHT OF 1ST REFUSAL" and inserting "OPTION".

(c) Clarification with respect to right of first refusal and purchase options.—

"(1) Purchase of partnership interest.—

(a) In general.—Subparagraph (A) of section 42(h)(7), as amended by subsection (a), is amended by striking "the property" and inserting "the property or all of the partnership interests which would be determined with respect to the property under this subparagraph without regard to this sentence.".

(b) Application to S corporations and other pass-through entities.—Subparagraph (A) of section 42(h)(7) is amended by adding at the end the following: "Except as provided by the Secretary, the rules of this paragraph shall apply to S corporations and other pass-through entities in the same manner as such rules apply to partnerships.

(c) Conforming amendment.—Subparagraph (B) of section 42(h)(7) is amended by adding at the end the following: "In the case of a purchase of all of the partnership interests, the purchase price paid in connection with such option or a related party thereof (within the meaning of section 267(b) or 707(b)(1)(A)) 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 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(h)(7), as so redesignated and as amended by adding at the end the following: "For purposes of determining

"(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) and that 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)."
whether an option, including a right of first refusal, to purchase property or all of the 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 all of the partnership interests, including an offer by a related party.

(c) Other Conforming Amendment.—Subparagraph (B) section 420(i)(7), as amended by subsection (a) of this section, is amended by inserting "the sum of" and all that follows through "application of clause (ii)" and inserting the following: "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)."

(d) 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 420(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 or alter the language in any agreement with respect to the terms of a right of first refusal or option permitted by section 420(i)(7) of the Internal Revenue Code of 1986 in effect on the date of the enactment of this Act.

Part 2—Neighborhood Homes Investment Act

Section 135201. 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:

(1) Allowance of Credit.—For purposes of section 38, the neighborhood homes credit determined by the qualified project of which the qualified homeowner is an owner, with respect to each qualified residence sold by the taxpayer during such taxable year in an affordable sale, the lesser of—

(A) the reasonable development costs paid or incurred by the taxpayer with respect to such qualified residence, or

(B) the sale price of such qualified residence (reduced by any reasonable expenses paid or incurred by the taxpayer in connection with such sale).

(2) Reasonable Development Costs.—For purposes of this section—

(i) the term ‘reasonable development costs’ means amounts paid or incurred by the taxpayer in connection with the construction or substantial rehabilitation is substantially complete, as determined by such agency) and are necessary to ensure the financial feasibility of such qualified residence.

(ii) The term ‘qualified project’ means—

(A) a project described in section 420(i)(7)(D)(i), (ii), or (iii),

(B) any project described in subparagraph (A),

(C) an affordable sale of any project described in subparagraph (B),

(D) any project described in subparagraph (A) or (B) located in an area certified by the neighborhood homes credit agency under this paragraph to such taxpayer with respect to such qualified residence, or

(E) any project described in subparagraph (A) or (B) 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 median family income for the applicable area, and

(F) any project described in subparagraph (A) or (B) 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 median family income for the applicable area, and

(G) any project described in subparagraph (A) or (B) 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 median family income for the applicable area, and

(H) any project described in subparagraph (A) or (B) 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 median family income for the applicable area, and

(iii) which—

(A) 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 median family income for the applicable area, and

(B) 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, and

(C) is located in a metropolitan area in which such census tract is located, and

(D) which—

(i) is a qualified census tract, the metropolitan area in which such census tract is located, and

(ii) is a qualified census tract other than a census tract described in clause (i), the State.

(b) Qualified Homeowner.—The term ‘qualified homeowner’ means—

(A) who owns and uses such qualified residence, 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 family income for the applicable area in which the qualified residence is located.

(c) 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 allocated under section 420(i)(7)(A) to other taxpayers with respect to qualified residences which are 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 ending 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 a 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(b)(5) shall apply for purposes of this section.

“(3) DETERMINATION OF STATE NEIGHBORHOOD HOMES CREDIT CEILING.—

“(A) IN GENERAL.—The State neighborhood homes credit agency of each State for a calendar year is an amount equal to the sum of—

“(i) the greater of—

“(1) the product of $3 ($6 in the case of a calendar year beginning after December 31, 2025), and

“(2) $4,000,000 ($8,000,000 in the case of calendar year 2025), 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 such calendar year.

“(B) TERMINATION OF ADDITIONAL AMOUNTS.—The amount determined under subparagraph (A)(i) shall be zero for any calendar year beginning after December 31, 2025.

“(C) 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 of 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.

“(1) RESPONSIBILITIES OF NEIGHBORHOOD HOMES CREDIT AGENCIES.—

“(1) IN GENERAL.—Notwithstanding subsection (e), the State neighborhood homes credit agency for a calendar year shall not exceed the State neighborhood homes credit agency for such State in the preceding calendar year, and the State neighborhood homes credit agency for such State for such calendar year shall not exceed 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.

“(ii) identifying the Internal Revenue Service with respect to any noncompliance of which the agency becomes aware.

“(g) REPAYMENT.—

“(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 FOR REPOSSESSION.—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 the selling price of such residence.

“(B) DEADLINE FOR COMPLETION.—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 rent or mortgage payments for such period of time, such qualified residence.

“(3) WAIVER.—The neighborhood homes credit agency may waive any of the repayment requirement of this subsection if such waiver is in the case of homeowner experiencing a hardship.

“(B) 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 141(h)(2) shall apply for purposes of this section.

“(4) POSSESSION 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 rehabilitative development costs and eligible development costs of such qualified residence shall be an amount equal to 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 267(b)), a tenant-stockholder shall be treated as owning the house or apartment which such person is entitled to occupy.

“(C) 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 PARTIES.—(1) 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 sections (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’.

“(2) DETERMINATION OF RELATIONSHIP.—

“(A) IN GENERAL.—In the case of a calendar year after 2022, the dollar amounts in sections (b)(3)(A), (c)(3)(A)(i), (c)(3)(A)(ii), and (c)(3)(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) 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 (b)(4), 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 (c)(1)(A)(i), 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.—

"(A) In general.—The Secretary shall annually issue a report, to be made available to the public, that contains the information submitted pursuant to subsection (f)(1)(F).

"(B) DE-IDENTIFICATION.—The Secretary shall ensure that any information made public pursuant to (A) is such that it does not include any information that would allow for the identification of qualified homeowners.

(9) LIST OF QUALIFIED CENSUS TRACTS.—The Secretary shall maintain a list of qualified census tracts which is related to the written binding contract referred to in paragraph (1) (census tract location) for the purpose of identifying certain rehabilitation expenditures.

"(A) on a combined basis, clauses (i) and (ii) of subsection (c)(4)(A).

"(B) clause (iii) of such subsection, and

"(C) subsection (i)(5)(A).

(1) APPLICATION OF CREDIT WITH RESPECT TO OWNER-OCCUPIED REHABILITATIONS.—

"(1) IN GENERAL.—In the case of a qualified rehabilitation by the taxpayer of an owner-occupied residence with respect to which a written binding contract 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 rehabilitation 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.

(5) RELATED PARTIES.—Paragraph (1) shall not apply if the owner of the qualified residence described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

(6) RELATED PARTIES.—In the case of any qualified residence described in paragraph (1), subsection (g) shall be applied by inserting ‘qualified owner acquired the residence’. (h)(6)(B)) to the taxpayer.

(7) RELATED PARTIES.—Paragraph (1) shall not apply if the owner of the qualified residence described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

(8) RELATED PARTIES.—In the case of any qualified rehabilitation described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

(9) RELATED PARTIES.—In the case of any qualified rehabilitation described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

"(ii) In the case of the dollar amount in subsection (b)(3)(A) and (i)(2)(C), any increase under paragraph (1) which is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.

"(iii) In the case of the dollar amount in subsection (c)(1)(A)(i), 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 (b)(4), 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 (c)(1)(A)(i), 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.—

"(A) In general.—The Secretary shall annually issue a report, to be made available to the public, that contains the information submitted pursuant to subsection (f)(1)(F).

"(B) DE-IDENTIFICATION.—The Secretary shall ensure that any information made public pursuant to (A) is such that it does not include any information that would allow for the identification of qualified homeowners.

(9) LIST OF QUALIFIED CENSUS TRACTS.—The Secretary shall maintain a list of qualified census tracts which is related to the written binding contract referred to in paragraph (1) (census tract location) for the purpose of identifying certain rehabilitation expenditures.

"(A) on a combined basis, clauses (i) and (ii) of subsection (c)(4)(A).

"(B) clause (iii) of such subsection, and

"(C) subsection (i)(5)(A).

(1) APPLICATION OF CREDIT WITH RESPECT TO OWNER-OCCUPIED REHABILITATIONS.—

"(1) IN GENERAL.—In the case of a qualified rehabilitation by the taxpayer of an owner-occupied residence with respect to which a written binding contract 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 rehabilitation 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.

(5) RELATED PARTIES.—Paragraph (1) shall not apply if the owner of the qualified residence described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

(6) RELATED PARTIES.—In the case of any qualified residence described in paragraph (1), subsection (g) shall be applied by inserting ‘qualified owner acquired the residence’. (h)(6)(B)) to the taxpayer.

(7) RELATED PARTIES.—Paragraph (1) shall not apply if the owner of the qualified residence described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

(8) RELATED PARTIES.—In the case of any qualified rehabilitation described in paragraph (1) or (i) is related (within the meaning of subsection (h)(6)(B)) to the taxpayer.

"(ii) In the case of the dollar amount in subsection (b)(3)(A) and (i)(2)(C), any increase under paragraph (1) which is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.

"(iii) In the case of the dollar amount in subsection (c)(1)(A)(i), 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 (b)(4), 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 (c)(1)(A)(i), any increase under paragraph (1) which is not a multiple of $100,000 shall be rounded to the nearest multiple of $100,000.
(5) ADDITIONAL ALLOCATIONS FOR TRIBAL STATISTICAL AREAS.—

(A) IN GENERAL.—In the case of calendar years 2022 through 2025, there is (in addition to any limitation under any other paragraph of this subsection) a new market tax credit limitation of $175,000,000 which shall be allocated by the Secretary as provided in paragraph (2) except that such limitation may 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 following 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.

(C) 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 calendar year may be increased by the amount of such credit limitation, except that no such increase shall be made for any calendar year after 2030.

(D) 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) is amended by inserting “, or any Indian area,” before the period at the end.

(b) INDIAN AREA.—Clause (ii) of section 42(d)(5)(B) is amended by redesignating subclause (I) as subclause (II), and by inserting after subclause (II) the following new subclause:

“(III) TRANSFER OF EXPIRED TRIBAL STATISTICAL AREA LIMITATION TO GENERAL LIMITATION.—(i) In general.—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 calendar year may be increased by the amount of such credit limitation, except that no such increase shall be made for any calendar year after 2030.

(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 calendar year may be increased by the amount of such credit limitation, except that no such increase shall be made for any calendar year after 2030.

(E) EFFECTIVE DATE.—The amendments made by this section shall apply to new market tax credit limitations determined for calendar years after December 31, 2021.

SEC. 135303. 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) is amended by inserting “, or any Indian area,” before the period at the end.

(b) INDIAN AREA.—Clause (ii) of section 42(d)(5)(B) is amended by redesignating subclause (I) as subclause (II), and by inserting after subclause (II) the following new subclause:

“(III) TRANSFER OF EXPIRED TRIBAL STATISTICAL AREA LIMITATION TO GENERAL LIMITATION.—(i) In general.—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 calendar year may be increased by the amount of such credit limitation, except that no such increase shall be made for any calendar year after 2030.

(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 calendar year may be increased by the amount of such credit limitation, except that no such increase shall be made for any calendar year after 2030.

(E) EFFECTIVE DATE.—The amendments made by this section shall apply to new market tax credit limitations determined for calendar years after December 31, 2021.

PART 4—OTHER PROVISIONS

SEC. 135401. 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 subpart, 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 42, 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 possession wages and allocable employee fringe benefits paid or incurred by the taxpayer for the taxable year.

(b) QUALIFIED CORPORATION.—For purposes of this section:

(1) IN GENERAL.—The term ‘qualified domestic corporation’ means any domestic corporation which—

(A) is a qualified corporation,

(B) is a United States shareholder of a foreign corporation,

(2) Q UALIFIED CORPORATION .—The term ‘qualified domestic corporation’ means any domestic corporation which—

(A) is a qualified corporation,

(B) is a United States shareholder of a foreign corporation,

(C) WAGES.—

The term ‘qualified domestic corporation’ means any domestic corporation which—

(a) IN GENERAL.—In the case of domestic or foreign shareholder, and with respect to any eligible foreign business unit which, if such unit were a qualified United States person, would be a qualified corporation with respect to which such ownership requirements would be met, 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 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—

(i) any foreign corporation which—

(A) is a United States person, or the foreign corporation which has such unit.

(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 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—

(i) any foreign corporation which—

(A) is a United States person, or 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 any 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 (determined without regard to section 904(f)).

(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.—(i) any employee is not employed by the qualified corporation on a substantially full-time basis at all times during the taxable year.

(ii) the principal place of employment of such employee is within such possession.

(iii) any employee is not employed by the qualified corporation on a substantially full-time basis at all times during the taxable year.

(iv) the principal place of employment of any employee with the qualified corporation is not within any possession at all times during the taxable year.

(v) the limitation applicable under paragraph (1) with respect to such employee shall be the applicable portion of the limitation which would otherwise be in effect under paragraph (1).

(C) WAGES.—Except as provided in clause (ii), the term ‘wages’ has the meaning given to such term by subsection (b) of section
(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.

(ii) Special Rule for Agricultural Labor and Railway Labor.—In any case to which subparagraph (A) or (B) of paragraph (1) of section 51 of this title ‘buses’ 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) Subpart B Account.—For purposes of subparagraph (A), the amount determined under this subparagraph for any taxable year is the aggregate amount allocable (or, in the case of a qualified domestic corporation which would be allocable if such foreign corporation were a domestic corporation) as a deduction under this chapter to the qualified corporation for such taxable year for such purposes.

(i) Employer Contributions under a Stock Bonus, Pension, Profit-Sharing, or Annuity Plan.—(ii) Employer-Provided Coverage under any Accident and Health Plan for Employees.—(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.—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) has—

(i) 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 less than $5,000,000.

(3) Related Persons.—In determining whether the limitations under subparagraphs (B)(i) and (C) of paragraph (2) are met, all persons shall be treated as a single employer for purposes of subsection (a) or (B) of section 52 shall be taken into account.

(4) Amount of Wages Taken into Account.—(A) In General.—The following provisions of section 70(1) may provide an exception from any requirement applied by substituting ‘$142,800’ for ‘$50,000’.

(B) 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.

(ii) Mirror Code Possessions.—In the case of any possession of the United States with a mirror code tax system (as defined in section 24(b)(1)), such possession 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 so treated.

(f) Separate Application to Each Possession.—For purposes of determining the amount of the credit allowed under this section, such section shall be applied separately with respect to each possession.

(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.—Subsection (b) of section 38, 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 possessions economic activity credit determined under section 45V.’

(c) Table of Sections for Subpart B of Part IV of Subchapter A of Chapter 1 of Title 26 is amended by adding at the end the following:

‘Sec. 45V. Possessions economic activity credit.’

(e) 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. 135402. TAX TREATMENT OF CERTAIN ASSISTANCE TO FARMERS, ETC.

(a) In General.—For purposes of the Internal Revenue Code of 1986, in the case of any payment described in section 1005(b) or 1006(e) of the American Rescue Plan Act of 2021 (as amended by this Act)—

(1) such payment shall not be included in the gross income of the person on whose behalf, or to whom, such payment is made,

(2) no deduction shall be denied, no tax attributable to shall be imposed, and no basis shall be increased, by reason of the exclusion from gross income provided by paragraph (1), and

(3) in the case of a partnership or S corporation, the amount is made

(A) any amount excluded from income by reason of paragraph (1) shall be treated as tax exempt income for purposes of sections 705 and 1396 of such Code, and

(B) the amount paid by the Secretary of the Treasury (or the Secretary’s delegate) is an increase in the adjusted basis of a partner’s interest in a partnership under section 705 of such Code with respect to any partnership interest that was created by the Secretary of the Treasury (or the Secretary’s delegate) for the purposes of sections 722 and 725 of such Code, of principal that is part of such payment.

(b) Authority to Waive Certain Information Reporting Requirements.—The Secretary of the Treasury (or the Secretary’s delegate) may provide an exemption from any requirement to file an information return otherwise required by chapter 48 of the Internal Revenue Code of 1986 with respect to any amount excluded from gross income by reason of subsection (a).
(A) RENEWABLE ELECTRICITY PRODUCTION CREDIT.—Section 45(b)(5) is amended by inserting "placed in service before January 1, 2022" after "In the case of any facility:"

(B) IN GENERAL.—The term "qualified offshore wind facility, subparagraph (E) shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as the alteration or repair of such facility occurs."

(C) WAGE AND APPRENTICESHIP REQUIREMENTS.—

(1) IN GENERAL.—In the case of any qualified facility that satisfies the requirements of subparagraph (B), the amount of the credit determined under subsection (a) (determined after the application of paragraphs (1) through (5)) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

(BB) the term "offshore wind facility" is amended by striking "offshore wind facility"—

(BB) in subparagraph (E), and

(BB) the following: "offshore wind facility, subparagraph (E) shall not apply:"

(1) WAGE AND APPRENTICESHIP REQUIREMENTS.—

(A) IN GENERAL.—In the case of any qualified facility that satisfies the requirements of this subparagraph (if it is one of the following):

(I) A facility with a maximum net output of less than 1 megawatt.

(II) A facility the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of subparagraphs (7) and (8).

(III) A facility that satisfies the requirements of paragraphs (7) and (8).

(4) SERVICES.—The term "services" means services performed by qualified apprentices.

(5) DOMESTIC CONTENT.—

(A) IN GENERAL.—In the case of any facility the construction of which begins after December 31, 2023, the amount of the credit determined under subparagraph (B), the amount of the credit determined under subparagraph (C), and the amount of the credit determined under subparagraph (D) shall not apply unless the payments described in item (aa) of subparagraph (A) are paid in full and the amount described in item (bb) of subparagraph (A) is paid against the amount of wages paid to such laborer or mechanic.

(B) REQUIREMENT.—

(i) IN GENERAL.—In the case of any facility the construction of which begins after December 31, 2023, and before January 1, 2024, 12.5 percent, and

(III) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.

(II) apprenticeship requirements.—The requirements described in subparagraph (A) with respect to the construction of any qualified facility shall be as follows:

((A) LABOR HOURS.—

((i) PERCENTAGE OF TOTAL LABOR HOURS.—

(Taxpayers shall ensure that not less than the applicable percentage of the total labor hours for construction, alteration, or repair work (including such work performed by any contractor or subcontractor) on any qualified facility shall, subject to subparagraph (D), be performed by qualified apprentices.

((ii) APPLICABLE PERCENTAGE.—For purposes of clause (i), the applicable percentage shall be:

(I) in the case of a qualified facility the construction of which begins before January 1, 2022, 10 percent;

(II) in the case of a qualified facility the construction of which begins after December 31, 2022, and before January 1, 2024, 12.5 percent, and

(III) in the case of a qualified facility the construction of which begins after December 31, 2023, 15 percent.

(B) REQUIREMENT.—

(II) the amount of the credit determined under subparagraph (A) shall be subject to any applicable requirements for apprentice-to-journeyworker ratios of the Department of Labor or the applicable State apprenticeship agency.

(C) PARTICIPATION.—Each contractor and subcontractor who employs 4 or more individuals for construction, alteration, or repair work on a qualified facility shall employ 1 or more qualified apprentices to perform such work.

(II) EXCEPTION.—

(I) IN GENERAL.—A taxpayer shall not be treated as failing to satisfy the requirements of this paragraph if such taxpayer—

(I) makes a good faith effort to comply with the requirements of this paragraph, or

(II) subject to clause (iii), in the case of any failure by the taxpayer to satisfy the requirement under subparagraphs (A) and (C) with respect to the construction, alteration, or repair work on any qualified facility to which subparagraph (A) or (C) applies, the Secretary of a penalty in an amount equal to the product of—

(aa) a sum determined after the application of paragraphs (1) through (5) for the qualification period, multiplied by

(bb) interest on the amount determined under item (aa) after the underpayment rate established under section 6621 (determined by substituting '2' for '2.5' and '3' for '3' in subsections (a) and (c) of section 6621 for purposes of the period described in such item, and

(bb) the total number of laborers and mechanics employed by the taxpayer (includ ing construction, alteration, or repair work by employees of the taxpayer (including construction, alteration, or repair work by any contractor or subcontractor), and

(bb) the term 'steel or iron' is defined in section 3131(e)(3)(B).
are mined, produced, or manufactured in the United States.

‘‘(C) ADJUSTED PERCENTAGE.—

‘‘(i) IN GENERAL.—Subject to clause (ii), for purposes of paragraphs (B)(ii), the applicable percentage shall be—

‘‘(I) in the case of a facility the construction of which begins before January 1, 2025, 40 percent; or

‘‘(II) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2025, 50 percent.

‘‘(ii) Special Rule for Qualified Facility Located in Energy Community.—For purposes of subparagraph (B)(ii), if—

‘‘(A) in the case of a facility which is an offshore wind facility, the applicable percentage shall be—

‘‘(i) in the case of a facility the construction of which begins before January 1, 2025, 20 percent;

‘‘(ii) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2025, 30 percent; or

‘‘(III) in the case of a facility the construction of which begins after December 31, 2025, and before January 1, 2027, 40 percent; or

‘‘(IV) in the case of a facility the construction of which begins after December 31, 2025, 55 percent.

‘‘(D) Offshore Wind Facility.—For purposes of subparagraph (B)(ii), the applicable percentage shall—

‘‘(i) in the case of a facility the construction of which begins before January 1, 2025, 100 percent;

‘‘(ii) in the case of a facility the construction of which begins after December 31, 2024, and before January 1, 2025, 85 percent, and

‘‘(iii) if construction of such facility began before January 1, 2025, 85 percent, and

‘‘(IV) in the case of a facility the construction of which begins after December 31, 2025, 75 percent.

‘‘(E) 100 PERCENT APPLICABLE PERCENTAGE FOR CERTAIN QUALIFIED FACILITIES.—In the case of any qualified facility—

‘‘(i) which satisfies the requirements under paragraph (9) with respect to the construction of such facility, or

‘‘(ii) with a maximum net output of less than 1 megawatt, the applicable percentage shall be 100 percent.

‘‘(F) PHASEOUT FOR ELECTIVE PAYMENT.—

‘‘(A) IN GENERAL.—The Secretary shall provide for requirements for record-keeping or information reporting for purposes of establishing the requirements of this subsection.

‘‘(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45(b)(5) is amended to read as follows:

‘‘(C) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—The amount of the credit determined under subsection (a) with respect to any facility (as determined after the application of paragraphs (1) and (2)) shall be reduced by the amount which is the product of the amount so determined for such year and the lesser of 15 percent or a fraction—

‘‘(D) Rounding Adjustment.—Section 45(b)(2) is amended by striking ‘‘If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent’’ and inserting ‘‘If the 0.3 cent amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent’’.  "(E) TERMINATION.—The term ‘energy storage technology’ means property (other than property which was part of such equipment before such equipment is modified such that such equipment has a nameplate capacity of not less than 5 kilowatt hours, or

‘‘(F) ENERGY STORAGE TECHNOLOGY.—

‘‘(A) IN GENERAL.—The term ‘energy storage technology’ means property (other than property which was part of such equipment before such equipment is modified such that such equipment has a nameplate capacity of not less than 5 kilowatt hours, or

‘‘(G) MODIFICATIONS OF CERTAIN PROPERTY.—

‘‘(A) IN GENERAL.—For purposes of paragraphs (A) through (E), in the case of a facility which was part of such equipment before such equipment is modified such that such equipment has a nameplate capacity of not less than 5 kilowatt hours, and

‘‘(i) which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours and is modified such that such equipment (after such modification) has a nameplate capacity of not less than 5 kilowatt hours;

‘‘(B) ENERGY PROPERTY.—In the case of any equipment which either—

‘‘(i) would be described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(ii) is described in subparagraph (A) and which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that the basis of any property which was part of such equipment before such modification is not taken into account for purposes of this section.  In the case of any property to which this subparagraph applies, subparagraph (C) shall be applied by substituting ‘modification for construction’.

‘‘(C) TERMINATION.—The term ‘energy storage technology’ shall not include any property the construction of which does not begin before January 1, 2027.

‘‘(D) QUALIFIED BIOMASS PROPERTY.—

‘‘(A) IN GENERAL.—In the case of qualified biomass property, the term ‘qualified biomass property’ means—

‘‘(B) in paragraph (2)(A), by striking ‘‘30 percent’’ and inserting ‘‘6 percent’’

‘‘(C) 6 PERCENT CREDIT FOR GEOTHERMAL.—Section 45(c)(2)(A)(i) is amended by striking paragraph (3)(A)(ii) and inserting (ii) of paragraph (3)(A)

‘‘(D) MODIFICATIONS OF CERTAIN PROPERTY.—

‘‘(A) IN GENERAL.—The term ‘qualified biomass property’ means property (other than property which was part of such equipment before such equipment is modified such that such equipment has a nameplate capacity of not less than 5 kilowatt hours, or

‘‘(i) which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(ii) is described in subparagraph (A) and which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(iii) would be described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(B) ENERGY PROPERTY.—In the case of any equipment which either—

‘‘(i) would be described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(ii) is described in subparagraph (A) and which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(C) TERMINATION.—The term ‘energy storage technology’ shall not include any property the construction of which does not begin before January 1, 2027.

‘‘(D) QUALIFIED BIOMASS PROPERTY.—

‘‘(A) IN GENERAL.—In the case of qualified biomass property, the term ‘qualified biomass property’ means property comprising a system which—

‘‘(B) PHASEOUT FOR CERTAIN ENERGY PROPERTY.—In the case of any qualified fuel cell property, qualified small wind property, or energy property described in clause (i) or clause (ii) of paragraph (2) of subsection (b), the construction of which begins after December 31, 2019 and which is placed in service before January 1, 2022, the energy percentage determined under paragraph (2) shall be equal to 26 percent and

‘‘(C) BASE ENERGY AMOUNT.—Section 48(a) is amended—

‘‘(D) MODIFICATIONS OF CERTAIN PROPERTY.—

‘‘(A) IN GENERAL.—The term ‘qualified biomass property’ means property (other than property which was part of such equipment before such equipment is modified such that such equipment has a nameplate capacity of not less than 5 kilowatt hours, or

‘‘(i) which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(B) ENERGY PROPERTY.—In the case of any equipment which either—

‘‘(i) would be described in subparagraph (A) except that such equipment has a capacity of less than 5 kilowatt hours, or

‘‘(ii) is described in subparagraph (A) and which has a capacity of not less than 5 kilowatt hours and is modified such that such equipment (after such modification) has an increased nameplate capacity, such equipment shall be treated as described in subparagraph (A) except that the basis of any property which was part of such equipment before such modification is not taken into account for purposes of this section.  In the case of any property to which this subparagraph applies, subparagraph (C) shall be applied by substituting ‘modification for construction’.

‘‘(C) TERMINATION.—The term ‘energy storage technology’ shall not include any property the construction of which does not begin before January 1, 2027.
"(D) is concentrated by such system into a gas which consists of not less than 52 percent methane, and
(ii) captures such gas for sale or productive use, and
(B) INCLUSION OF CLEANING AND CONDITIONING PROPERTY.—The term ‘qualified biogas property’ includes any property which is part of such system which cleans or conditions such gas.
(C) TERMINATION.—The term ‘qualified biogas property’ shall not include any property the construction of which does not begin before January 1, 2021.
(8) MICROGRID CONTROLLER.—(A) IN GENERAL.—The term ‘microgrid controller’ means equipment which is—
(i) of a qualified microgrid, and
(ii) designed and used to monitor and control the energy resources and loads on such microgrid.
(B) QUALIFIED MICROGRID.—The term ‘qualified microgrid’ means an electrical system which—
(i) includes equipment which is capable of generating not less than 4 kilowatts and not greater than 20 megawatts of electricity,
(ii) is capable of operating—
(I) in connection with the electrical grid and as a single controllable entity with respect to such grid, and
(II) independently (and disconnected) from such grid, and
(iii) is not part of a bulk-power system (as defined in section 215 of the Federal Power Act (16 U.S.C. 824)).
(C) TERMINATION.—The term ‘microgrid controller’ shall not include any property the construction of which does not begin before January 1, 2022.
(4) DENIAL OF DOUBLE BENEFIT FOR QUALIFIED BIOGAS PROPERTY.—Section 45(e) is amended by adding at the end the following new paragraph:—
(1) by inserting ‘‘, or electromechanical’’ after ‘‘electrochemical’’;
(ii) for the five-year period beginning on the date such project is originally placed in service, the alteration or repair of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.
(9) INCREASED CREDIT AMOUNT FOR ENERGY PROJECTS.—Section 48(c) is amended by adding at the end the following new paragraph:
(i) the construction of such energy project, and
(ii) for the five-year period beginning on the date such project is originally placed in service, the alteration or repair of such project shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.
(12) DOMESTIC CONTENT BONUS CREDIT.—(A) IN GENERAL.—In the case of any energy project that does not satisfy the requirements of paragraph (B) of subparagraph (B) of section 48(f)(9)(B), the amount of the credit determined under this subsection (determined after the application of paragraphs (1) through (8) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).
(11) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(10) shall apply.
“(14) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection. For purposes of this subsection, the Secretary may—

(i) establish a program to allocate amounts of environmental justice solar and wind capacity limitation; and

(ii) promulgate such regulations and guidance as the Secretary determines necessary to carry out the purposes of this subsection.

(15) INCREASE IN CREDIT RATE FOR ENERGY STORAGE TECHNOLOGY.—Paragraph (A) of section 45(b)(10)(B), as amended—

(1) in subparagraph (A), by striking ‘‘(9)(B), 2 percentage points, and’’ and inserting ‘‘(9)(B), 3 percentage points, and’’;

(2) in paragraph (B)(ii), in the case of any energy project that begins after December 31, 2021, only to the extent of the portion of such property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to paragraph (A))—

(i) the environmental justice solar and wind capacity limitation allocated to such facility, bears to

(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

(16) QUALIFIED SOLAR AND WIND FACILITY.—For purposes of this section—

(A) in general.—The term ‘qualified solar and wind facility’ means—

(i) which generates electricity solely from property placed in service after the date of enactment of this subsection, in the case of any energy project that begins after December 31, 2021.

(ii) which has a maximum net output of less than 5 megawatts.

(iii) which—

(I) employs energy storage technology within the meaning of section 48(c)(6), and

(II) is located in a low-income community (as defined in section 45(d)(11)(B)), or

(III) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

(i) such facility is located in a residential building project which participates in a covered program, as defined in section 4341(a)(2) of the Violence Against Women Act of 1994 (34 U.S.C. 12491(a)(3)), a Housing Assistance Program under the Department of Agriculture under title V of the Housing Act of 1949, a housing assistance program administered by a tribe, or a housing assistance program administered by a tribe through partnerships with local governments, for purposes of this paragraph, as the term ‘tribe’ means the recognized government of any tribe, band, nation, pueblo, village, community, component band, or component reservation, identified under the Indian Self-Determination and Education Assistance Act or the Indian Land Consolidation Act.

(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

(i) less than 150 percent of the federal poverty line applicable to a family of the size involved, or

(ii) less than 50 percent of the area median gross income (as determined under section 142(d)(3)(B)).

(17) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as a financial benefit.

(18) ELIGIBLE PROPERTY.—For purposes of this section—

(A) in general.—The term ‘eligible property’ means energy property which is part of a facility described in section 45(d)(1) or in clause (i) or (vi) of subparagraph (A) of section 45(d)(11) placed in service after the date that is 4 years after the date of enactment of this subsection.

(B) special rule for renewable energy property.—For purposes of this paragraph—

(i) the term ‘renewable energy property’ means biomass energy property, solar energy property, or wind energy property placed in service after the date that is 4 years after the date of enactment of this subsection.

(ii) in the case of any energy project that begins after December 31, 2021, only to the extent of the portion of such property which is part of such facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to paragraph (A))—

(i) the environmental justice solar and wind capacity limitation allocated to such facility, bears to

(ii) the total megawatt nameplate capacity of such facility, as measured in direct current.

(19) ALLOCATIONS.—

(A) in general.—Not later than 270 days after the date of enactment of this subsection, the Secretary shall establish a program to allocate amounts of environmental justice solar and wind capacity limitation to qualified solar and wind facilities.
shall be determined under rules similar to the rules of section 50(a). To the extent provided by the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such property ceases; and if such decrease is restored. The preceding sentence shall not apply more than once with respect to any facility.

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

SEC. 136104. ELECTIVE PAYMENT FOR ENERGY PRODUCTION AND ELECTRICITY PRODUCED FROM CERTAIN RENEWABLE RESOURCES, ETC.

(a) IN GENERAL.—Subchapter B of chapter 1 of subtitle D of title 11, United States Code, shall be amended by inserting after section 6416 the following new section:

"SEC. 6417. ELECTIVE PAYMENT OF APPLICABLE CREDITS.

"(a) In General.—In the case of a taxpayer making an election (at such time and in such manner as the Secretary may provide) under this section with respect to any applicable credit determined under section 42 with respect to any applicable credit determined under section 41, such taxpayer shall be treated as making a payment against the tax imposed by subtitle A (for the taxable year with respect to which such credit was determined) equal to the amount of such credit attributable to carbon capture equipment which is originally placed in service after December 31, 2021, and with respect to which an election is made under subsection (c)(3).

"(b) The energy credit determined under section 41—

"(1) So much of the credit for qualified electric power originally placed in service after December 31, 2021, and with respect to which an election is made under subsection (c)(3).

"(2) The energy credit determined under section 48—

"(A) So much of the credit for alternative fuel vehicle re-fueling property originally placed in service after section 38(c)).''

(c) SPECIAL RULES.—For purposes of this section—

"(1) APPLICATION TO TAX-EXEMPT AND GOVERNMENTAL ENTITIES.—In the case of any organization exempt from tax by section 501(c)(3) of the Internal Revenue Code and any governmental (as defined in section 6662(e)(4)(F)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))) which makes the election described in subsection (a), any applicable credit shall be determined under rules similar to the rules for determining a partner’s distributive share of the share, or shareholder’s pro rata share, of such credit.

"(ii) an amount equal to 20 percent of such amount by which the amount of such payment shall be increased to the extent of the amount by which a refund is allowed to the taxpayer for the taxable year in which such facility is placed in service.

"(ii) the amount of the payment made to the taxpayer under subsection (a) which is treated as a payment which is made by the taxpayer under subsection (a) with respect to such facility for such taxable year, over the amount of the credit which, without application of this section, would be otherwise allowable (determined without regard to section 39(c)) with respect to such facility for such taxable year.

"(d) DENIAL OF DOUBLE BENEFIT.—In the case of a taxpayer making an election under this section with respect to an applicable credit, and with respect to any applicable credit determined under section 42, any election under this section shall—

"(4) In General.—In the case of a real estate investment trust making an election under section 6417, paragraph (1)(B) and (2)(B) of the section 46(e) regulations are referred to in paragraph (4) of this subsection shall not apply to any qualified investment credit property of a real estate investment trust.

"(e) GROSS-UP OF PAYMENTS IN CASE OF SEQUESTRATION.—In the case of any payment made as a refund due to an overpayment as a result of the Internal Revenue Code of 1986 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 election (determined before such sequestration), multiplied by

"(2) the quotient obtained by dividing 1 by the amount by which 1 exceeds the percentage reduction in direct spending ordered in accordance with a sequester report prepared by the Director of the Office and Management and Budget pursuant to section 301 of the Balanced Budget and Emergency Deficit Control Act of 1985 or the Statutory Pay-As-You-Go Act of 2010.
(d) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 is amended by inserting after the item relating to section 6416 the following new item:

"Sec. 6417. Elective payment of applicable credit."

(e) IN GENERAL.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 136105. INVESTMENT CREDIT FOR ELECTRIC TRANSMISSION PROPERTY.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

"SEC. 48D. QUALIFYING ELECTRIC TRANSMISSION PROPERTY.

"(a) Allowance of Credit.—For purposes of section 48D, the term 'qualifying electric transmission property' means property—

"(1) which is a qualifying electric transmission property, or

"(2) which includes installation of carbon capture equipment along such electric transmission line, and

"(3) which includes any property which—

"(A) is a transmission plant in the Uniform System of Accounts for the Federal Energy Regulatory Commission under part 101 of subchapter C of chapter 1 of title 18, Code of Federal Regulations,

"(B) is a transmission plant in the Uniform System of Accounts for the Federal Energy Regulatory Commission under part 101 of subchapter C of chapter 1 of title 18, Code of Federal Regulations,

"(C) is listed as a 'transmission plant' in the Uniform System of Accounts for the Federal Energy Regulatory Commission under part 101 of subchapter C of chapter 1 of title 18, Code of Federal Regulations,

"(D) includes installation of carbon capture equipment along such electric transmission line, or

"(ii) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

"(2) WHEN CONSTRUCTION BEGINS.—For purposes of subparagraph (B) of paragraph (1), construction of property begins when the taxpayer has begun on-site physical work of a significant nature with respect to such property.

"(B) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility meets the requirements of this subsection if it—

"(1) has a transmission capacity of not less than 500 megawatts,

"(2) is capable of transmitting electricity at a voltage of not less than 275 kilovolts or is a superconducting line, and


"(c) APPLICABLE FACILITY DEFINED.—For purposes of this subsection, the term 'applicable facility' means a qualifying electric transmission line and related transmission property to which such qualifying electric transmission line relates.

"(d) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility satisfies the requirements of this subsection if it is one of the following:

"(1) Any applicable facility the construction of which begins before January 1, 2022,

"(2) Any applicable facility which—

"(i) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date,

"(ii) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

"(2) WHEN CONSTRUCTION BEGINS.—For purposes of subparagraph (B) of paragraph (1), construction of property begins when the taxpayer has begun on-site physical work of a significant nature with respect to such property.

"(B) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility meets the requirements of this subsection if it—

"(1) has a transmission capacity of not less than 500 megawatts,

"(2) is capable of transmitting electricity at a voltage of not less than 275 kilovolts or is a superconducting line, and


"(c) APPLICABLE FACILITY DEFINED.—For purposes of this subsection, the term 'applicable facility' means a qualifying electric transmission line and related transmission property to which such qualifying electric transmission line relates.

"(d) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility satisfies the requirements of this subsection if it is one of the following:

"(1) Any applicable facility the construction of which begins before January 1, 2022,

"(2) Any applicable facility which—

"(i) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date,

"(ii) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

"(2) WHEN CONSTRUCTION BEGINS.—For purposes of subparagraph (B) of paragraph (1), construction of property begins when the taxpayer has begun on-site physical work of a significant nature with respect to such property.

"(B) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility meets the requirements of this subsection if it is one of the following:

"(1) Any applicable facility the construction of which begins before January 1, 2022,

"(2) Any applicable facility which—

"(i) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date,

"(ii) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

"(2) WHEN CONSTRUCTION BEGINS.—For purposes of subparagraph (B) of paragraph (1), construction of property begins when the taxpayer has begun on-site physical work of a significant nature with respect to such property.

"(B) APPLICABLE FACILITY REQUIREMENTS.—An applicable facility meets the requirements of this subsection if it is one of the following:

"(1) Any applicable facility the construction of which begins before January 1, 2022,

"(2) Any applicable facility which—

"(i) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date,

"(ii) construction of any portion of the qualifying electric transmission line to which such property relates begins before such date.

"(2) WHEN CONSTRUCTION BEGINS.—For purposes of subparagraph (B) of paragraph (1), construction of property begins when the taxpayer has begun on-site physical work of a significant nature with respect to such property.
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(3) and (4) shall apply for purposes of sub-
section (a).”.

(2) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45Q(g) is amended by adding at the end the following new paragraph:

“(6) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rule under section 45Q(g) shall apply for purposes of this sec-
tion.”.

(3) APPLICABLE DOLLAR AMOUNT FOR ADDI-
tional Carbon Capture Equipment.—In the case of any qualified facility the construction of which begins after December 31, 2021, any addi-
tional carbon capture equipment is installed at such facility and construction of such equip-
ment began after December 31, 2021, the applicable dollar amount shall be an amount equal to the applicable dollar amount otherwise deter-
mimed with respect to such facility under sub-
paragraph (A), except that such subparagraph shall be applied—

(i) in clause (ii) of such subparagraph, by substituting "$38 for "$17"; and

(ii) in clause (iii) of such subparagraph, by substituting "$35 for "$12".

(4) INCREASED CREDIT AMOUNT FOR QUALI-
fied Facilities and Carbon Capture Equip-
ment.—

(1) IN GENERAL.—In the case of any qualified facility and any carbon capture equipment which satisfy the requirements of paragraphs (3) and (4), as well as any carbon capture equipment placed in service at such facility,

(i) subject to subparagraph (B) of paragraph (3), such facility and equipment satisfy the requirements under subparagraph (A) of such paragraph, and

(ii) in construction of such facility and equipment satisfy the requirements under paragraph (4),

with respect to any carbon capture equipment, the construction of which begins after the date that is 60 days after the Secretary publishes guidance with respect to the require-
ments of paragraphs (3) and (4), and which is installed at such facility the construction of which began prior to such date—

(i) subject to subparagraph (B) of paragraph (3), such facility and equipment satisfy the requirements of subparagraphs (A) of such paragraph, and

(ii) the construction of such facility and equipment satisfy the requirements under para-
graph (4),

(c) CONSTRUCTION OF ADDITIONAL CARBON CAPTURE EQUIPMENT.—In the case of any qualified facility described in subparagraph (A)(i) of paragraph (2), the construction of such equipment, and

(iii) the period for the taxable year which is within the 12-year period beginning on the date on which any carbon capture equipment is originally placed in service at any qualified fa-
cility (as described in paragraphs (3)(A) and (4)(A) of subsection (a)), the alteration or repair of such facility or such equipment,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as must result from the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit dollar amount (as determined without regard to this paragraph) in the case of any qualified facility, the requirement under clause (ii) of this para-
graph is applied to such taxable year in which the alteration or repair of qualified facility oc-
curs.

(2) REQUIREMENTS.—The requirements de-
scribed in this subsection, including regulations or other guid-
ance as the Secretary determines necessary or appropriate to carry out the purposes of this sub-
section, including regulations or other guid-
ance which provides for requirements for record-
keeping or information reporting for purposes of establishing the requirements of this sub-
section.”.

(5) REGULATIONS AND GUIDANCE.—The Sec-
tary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this sub-
section, including regulations or other guid-
ance which provides for requirements for record-
keeping or information reporting for purposes of establishing the requirements of this sub-
section.”.

(2) IN GENERAL.—Section 45Q(b)(1) is amended by adding after such section:

“(i) subject to subparagraph (B) of paragraph (3), such facility and equipment satisfy the requirements under subparagraph (A) of such paragraph, and

(ii) in construction of such facility and equipment satisfy the requirements under paragraph (4),

(c) CONSTRUCTION OF ADDITIONAL CARBON CAPTURE EQUIPMENT.—In the case of any qualified facility described in subparagraph (A)(i) of paragraph (2), the construction of such equipment, and

(iii) the period for the taxable year which is within the 12-year period beginning on the date on which any carbon capture equipment is originally placed in service at any qualified fa-
cility (as described in paragraphs (3)(A) and (4)(A) of subsection (a)), the alteration or repair of such facility or such equipment,

shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as must result from the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code. For purposes of determining an increased credit dollar amount (as determined without regard to this paragraph) in the case of any qualified facility, the requirement under clause (ii) of this para-
graph is applied to such taxable year in which the alteration or repair of qualified facility oc-
curs.

(2) REQUIREMENTS.—The requirements de-
scribed in this subsection, including regulations or other guid-
ance as the Secretary determines necessary or appropriate to carry out the purposes of this sub-
section, including regulations or other guid-
ance which provides for requirements for record-
keeping or information reporting for purposes of establishing the requirements of this sub-
section.”.

(2) The amendments made by subsections (a), (b), (c), (d), (e), (f), and (g) shall apply to facili-
ties or equipment the construction of which be-
going after December 31, 2021.

The amendments made by subsection (h) shall apply to carbon capture equipment that is originally placed in service at a qualified facility on or after the date of the enactment of this Bipar-
tisan Budget Act of 2018 (as defined in subsection (j)(6) where applicable).

(1) EFFECTIVE DATE.—

(A) The amendments made by subsections (a), (b), (c), (d), (e), (f), and (g) shall apply to facili-
ties or equipment the construction of which begin-
ing after December 31, 2021.

(B) The qualified facility at which such car-
bon capture equipment is placed in service is lo-
ated in an area affected by a federally-decl-
ared disaster or any qualified energy facility (as defined in section 165(g)(5)(A)) after the date of the enactment of the Bipartisan Budget Act of 2018 (as defined in subsection (j)(6) where applicable).

(2) SEC. 138107. GREEN ENERGY PUBLICLY TRADED PARTNERSHIPS.

(a) IN GENERAL.—Section 7704(d)(1)(E) is amended—

(1) by striking “income and gains derived from the exploration” and inserting “income and gains derived from—

(i) the exploration,”

(2) by inserting “or” before “industrial source”, and

(3) by striking “, or the transportation or stor-
age” and all that follows and inserting the fol-
loving:

“(ii) the generation of electric power or ther-
mal energy exclusively using any qualified energy resource (as defined in section 45(e)(1)),

(iii) the operation of real property (as de-
finite in section 48(a)(3), determined without re-
gard to any date by which the construction of the facility is required to begin) in the case of a facility described in paragraph (3) or (7) of section 45(d) (determined without regard to any placed in service date or date by which construction of the facility is re-
quired to begin), the accepting or processing of open-loop biomass or municipal solid waste,

(v) the transportation or storage of any fuel described in subsection (b), (c), (d), or (e) of sec-
section 6245,

(ii) the conversion of renewable biomass (as defined in subparagraph (1) of section 211(o)(1)

Air Act (as in effect on the date of the enactment of this clause)) into renewable fuel (as defined in subparagraph (1) of such section as so in effect), or the storage or transpor-
tation of any fuel which—
“(I) uses as its primary feedstock carbon oxides captured from an anthropogenic source or the atmosphere.

“(II) does not use as its primary feedstock carbon oxides that are deliberately released from naturally occurring subsurface springs, and

“(III) is determined by the Secretary to achieve a reduction of not less than a 60 percent in lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(H) of the Clean Air Act, as in effect on the date of the enactment of this clause) compared to baseline lifecycle greenhouse gas emissions (as defined in section 211(o)(1)(C) of such Act, as so in effect), or

“(IV) a qualified facility (as defined in section 136108(d), without regard to any date by which construction of the facility is required to begin).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply for taxable years beginning after December 31, 2021.

SEC. 136108. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

**SEC. 45W. ZERO-EMISSION NUCLEAR POWER PRODUCTION CREDIT.**

**(a) AMOUNT OF CREDIT.—For purposes of section 38, the zero-emission nuclear power production credit for any taxable year is an amount equal to the following:

**(1) the product of—

**(A) 0.3 cents, multiplied by

**(B) the kilowatt hours of electricity—

**(i) produced by the taxpayer at a qualified nuclear power facility, and

**(ii) sold by the taxpayer to an unrelated person during the taxable year, exceeds

**(2) the reduction amount for such taxable year.

**(b) DEFINITIONS.—

**(1) QUALIFIED NUCLEAR POWER FACILITY.—For purposes of this section, the term ‘qualified nuclear power facility’ means any nuclear facility—

**(A) which is owned by the taxpayer and which uses nuclear energy to produce electricity,

**(B) which is not an advanced nuclear power facility as defined in subsection (d)(1) of section 45J, and

**(C) which is placed in service before the date of the enactment of this section.

**(2) REDUCTION AMOUNT.—

**(A) IN GENERAL.—For purposes of section 38, the term ‘reduction amount’ means, with respect to any qualified nuclear power facility for any taxable year, an amount equal to the lesser of—

**(i) the amount determined under subsection (a)(1), or

**(ii) the amount equal to 16 percent of the excess of—

**(I) the amount subject to subparagraph (B), the gross receipts from any electricity produced by such facility (including any electricity services or products provided in conjunction with the electricity produced by such facility) and sold to an unrelated person during such taxable year, over

**(II) the amount equal to the product of—

**(aa) 2.5 cents, multiplied by

**(bb) the amount determined under subsection (a)(1)(B).

**(B) TREATMENT OF CERTAIN RECEIPTS.—

**(I) IN GENERAL.—The amount determined under subparagraph (A)(ii)(I) shall include any amount received by the taxpayer during the taxable year with respect to the qualified nuclear power facility from a zero-emission credit program for, in whole or in part, the zero-emission, zero-carbon, or air quality attributes of any portion of the electricity produced by such facility.

**(II) ELECTRICITY.—For purposes of this section, the term ‘electricity’ means the energy produced by a qualified nuclear power facility from the conversion of nuclear fuel into electric power.

**(c) OTHER RULES.—

**(1) INFLATION ADJUSTMENT.—The 0.3 cent amount referred to in subsection (a)(1) and the 2.5 cent amount in subsection (b)(2)(A)(ii)(III) shall each be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 45(e)(2), as applicable, by substituting ‘calendar year 2022’ for ‘calendar year 1992’ in subparagraph (B) thereof) for the calendar year in which the sale occurs. If the 0.3 cent amount as increased by such percentage is a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.05 cent. If the 2.5 cent amount as increased under this paragraph is not a multiple of 0.05 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

**(2) SPECIAL RULES.—Rules similar to the rules of paragraphs (1), (3), (4), and (5) of section 45(e) shall apply for purposes of this section.

**(d) ULTIMATE PURCHASER.—For purposes of this section, an owner of electricity produced by the taxpayer shall be treated as sold to an unrelated person if the ultimate purchaser of such electricity is unrelated to such taxpayer.

**(e) WAGE REQUIREMENTS.—

**(1) INCREASED CREDIT AMOUNT FOR QUALIFIED NUCLEAR POWER FACILITIES.—In the case of any qualified nuclear power facility which satisfies the requirements of paragraph (2), the amount of the credit determined under subsection (a) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

**(2) PREVAILING WAGE REQUIREMENTS.—

**(A) IN GENERAL.—The taxpayer shall ensure that wages paid to any laborers and mechanics employed by contractors and subcontractors in the alteration or repair of a facility shall be paid at rates not less than the prevailing rates for alteration or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

**(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

**Rules similar to the rules of clauses (i) through (iv) of section 45(k) shall apply.**

**(3) REGULATIONS AND GUIDANCE.—

**The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.**

**(4) TERMINATION.—This section shall not apply to taxable years beginning after December 31, 2027.

**(b) CONFORMING AMENDMENTS.—

**(1) Section 38(b) of the Internal Revenue Code of 1986 is amended—

**(A) in paragraph (3), by striking ‘“plus” at the end,

**(B) in paragraph (3), by striking the period at the end and adding and

**(C) by adding at the end the following new paragraph:

**(34) the zero-emission nuclear power production credit determined under section 45W(a).**

**(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding at the end the following new item:

**“Sec. 45W. Zero-emission nuclear power production credit.”**

**(c) ELECTIVE PAYMENT OF CREDIT.—Section 6417(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

**(d) EFFECTIVE DATE.—This section shall apply to electricity produced and sold after December 31, 2021, in taxable years beginning after such date.

**PART 2—RENEWABLE FUELS**

SEC. 136201. EXTENSION OF INCENTIVES FOR BIODIESEL, RENEWABLE DIESSEL AND ALTERNATIVE FUELS.

(a) BIODIESEL AND RENEWABLE DIESEL CREDIT.—Section 40A(a) is amended by striking “December 31, 2022” and inserting “December 31, 2026”.

(b) BIODIESEL MIXTURE CREDIT.—

**(1) IN GENERAL.—Section 6426(c)(6) is amended by striking “December 31, 2022” and inserting “December 31, 2026”.

**(2) FUELS NOT USED FOR TAXABLE PURPOSES.—

Section 6427(c)(6)(J)(i) is amended by striking “December 31, 2022” and inserting “December 31, 2026”.

(c) ALTERNATIVE FUEL CREDIT.—Section 6428(d)(5) is amended by striking “December 31, 2026” and inserting “December 31, 2027”.

(d) ALTERNATIVE FUEL MIXTURE CREDIT.—Section 6426(e)(3) is amended by striking “December 31, 2021” and inserting “December 31, 2026”.

(e) PAYMENTS FOR ALTERNATIVE FUELS.—Section 6427(e)(6)(C) is amended by striking “December 31, 2021” and inserting “December 31, 2026”.

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2021.

SEC. 136202. EXTENSION OF SECOND GENERATION BIOFUEL INCENTIVES.

(a) IN GENERAL.—Section 40(b)(6)(J)(i) is amended by striking “2022” and inserting “2027”.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to qualified second generation biofuel production after December 31, 2021.

SEC. 136203. SUSTAINABLE AVIATION FUEL CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 of such Code is amended by adding after section 40A the following new section:

**SEC. 40B. SUSTAINABLE AVIATION FUEL CREDIT.**

**(a) IN GENERAL.—For purposes of section 38, the sustainable aviation fuel credit for the tax- payer’s use of a qualified mixture which occurs during such taxable year, an amount equal to the product of—

**(1) the number of gallons of sustainable aviation fuel in such mixture, multiplied by

**(2) the sum of—

**(A) $1.25, plus

**(B) the applicable supplementary amount with respect to such sustainable aviation fuel.

**(b) APPLICABLE SUPPLEMENTARY AMOUNT.—For purposes of this section, the term ‘applicable supplementary amount’ means, with respect to any sustainable aviation fuel, an amount equal to $0.01 for each percentage point by which the lifecycle greenhouse gas emissions reduction percentage with respect to such fuel exceeds 50 percent. In no event shall the applicable supplementary amount determined under this subsection exceed 50 percent.

**(c) QUALIFIED MIXTURE.—For purposes of this section, the term ‘qualified mixture’ means a mixture of sustainable aviation fuel and kero- sans if—

**(1) such mixture is produced by the taxpayer in the United States,

**(2) such mixture is used by the taxpayer (or sold by the taxpayer for use by the taxpayer) in a manner which is consistent with the requirements of section 40A,

**(3) such sale or use is in the ordinary course of a trade or business of the taxpayer, and
"(4) the transfer of such mixture to the fuel tank of such aircraft occurs in the United States.

(d) SUSTAINABLE AVIATION FUEL.—For purposes of this section, the term ‘sustainable aviation fuel’ means liquid fuel which—

"(1) meets the requirements of—

"(A) ASTM International Standard D7566, or

"(B) any similar methodology which satisfies the criteria under section 211(o)(1)(H) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), and

"(2) achieved by fuel such as compared with petroleum-based jet fuel.

(e) ALTERNATIVE FUEL PRODUCERS.—No credit shall be allowed under this section with respect to any sustainable aviation fuel unless the producer of such fuel is registered with the Secretary under section 401 and has provided such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

(g) COORDINATION WITH CREDIT AGAINST EXCISE TAX.—The amount of the credit determined under this section with respect to any sustainable aviation fuel unless the producer of such fuel is registered with the Secretary under section 401 and has provided such other information with respect to such fuel as the Secretary may require for purposes of carrying out this section.

(h) TERMINATION.—This section shall not apply to any sale or use after December 31, 2026.

(3) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Section 38(b) is amended by striking “plus” at the end of paragraph (3), by striking the period at the end of paragraph (3) and inserting ”after inserting “(a)(1),” and by adding at the end the following new paragraph:

“(3) the sustainable aviation fuel credit determined under section 40B.”.

(i) COORDINATION WITH BIODIESEL INSECTS INCENTIVES.—

In general.—Section 40(a)(1) is amended by inserting “or 40B” after “under determined under section 40B”.

(j) AMOUNT OF CREDIT INCLUDED IN GROSS INCOME.—Section 87 is amended by striking “and” in paragraph (1), by striking the period at the end of paragraph (2) and inserting “, and”, and by adding at the end the following new paragraph:

“the applicable supplementary amount has the meaning given in such term in section 40B(b).

(3) OTHER DEFINITIONS.—Any term used in this subsection which is also used in section 40B shall have the meaning given such term by section 40B.

(4) REGISTRATION REQUIREMENT.—For purposes of this subsection, rules similar to the rules of section 40B shall apply.

(5) CONFORMING AMENDMENTS.—

(A) Section 6426 is amended—

(i) in subsection (a)(1), by striking “(a) and” and inserting “(e) and”, and

(ii) in subsection (4), by striking “under section 40 or 40A” and inserting “under section 40, 40A, or 40B”.

(B) Section 6427(e)(6) is amended by striking the ‘and’ at the end of subparagraph (C), by striking the period at the end of subparagraph (D) and inserting “, and”, and by adding at the end the following new subparagraph:

“(E) any qualified mixture of sustainable aviation fuel (as defined in section 6426(k)(1)) sold or used after December 31, 2026.”.

(C) Section 6427(e) is amended in the heading by striking “or ALTERNATIVE FUEL” and inserting “, ALTERNATIVE FUEL, OR SUSTAINABLE AVIATION FUEL”.

(D) Section 6427(e)(1) is amended by inserting “or the sustainable aviation fuel mixture credit” after “alternative fuel mixture credit”.

(E) Section 4101(a)(1) is amended by inserting “producing sustainable aviation fuel” after “any person producing sustainable aviation fuel”.

(f) GUIDANCE.—Under rules prescribed by the Secretary of the Treasury (or the Secretary’s delegate), the amount of the credit allowed under section 40B of the Internal Revenue Code of 1986 (as added by this subsection) shall be properly reduced to take into account any benefit provided with respect to such sustainable aviation fuel solely by reason of the application of section 6426 or 6427(e).

(g) EFFECTIVE DATE.—The amendments made by this section shall apply to fuel sold or used after December 31, 2026.

(h) SEC. 158204. CLEAN HYDROGEN.

(i) CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.—

In general.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 45XC. CREDIT FOR PRODUCTION OF CLEAN HYDROGEN.

‘(a) AMOUNT OF CREDIT.—For purposes of section 38, the clean hydrogen production credit for any taxable year is an amount equal to the product of—

(i) the applicable amount, multiplied by

(ii) the kilograms of qualified clean hydrogen produced by the taxpayer during such taxable year at a qualified clean hydrogen production facility during the 10-year period beginning on the date such facility was originally placed in service.

‘(b) APPLICABLE AMOUNT.—

’(1) In general.—For purposes of subsection (a)(1), the applicable amount shall be an amount equal to the applicable percentage of $0.60. If any amount determined under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest 0.1 cent.

‘(2) APPLICABLE PERCENTAGE.—For purposes of paragraph (1), the term ‘applicable percentage’ shall be determined as follows:

(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

(ii) less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 32.4 percent.

‘(3) INCLUSION OF HYDROGEN PRODUCED FOR USE AS A DIRECT BURNER FUEL.—In the case of any qualified clean hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of—

(i) less than 1.5 kilograms of CO2e per kilogram of hydrogen, and

(ii) less than 0.45 kilograms of CO2e per kilogram of hydrogen, the applicable percentage shall be 100 percent.

‘(4) INFLATION ADJUSTMENT.—The $0.60 amount in paragraph (1) shall be adjusted by multiplying such amount by the inflation adjustment factor (as determined under section 25(e)(2), determined by substituting ‘2020’ for ‘1992’ in subparagraph (B) thereof) for the calendar year in which the qualified clean hydrogen is produced. If any amount as increased under the preceding sentence is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

‘(c) DEFINITIONS.—For purposes of this section—

‘(1) LIFECYCLE GREENHOUSE GAS EMISSIONS.—

‘(A) IN GENERAL.—Subject to subparagraph (B), the term ‘lifecycle greenhouse gas emissions’ as used in this section shall be 0.60 per hour under section 211(o)(1) of the Clean Air Act (42 U.S.C. 7545(o)(1)), as in effect on the date of enactment of this section.

‘(B) GREET MODEL.—The term ‘lifecycle greenhouse gas emissions’ shall include emissions through the point of production (well-to-pump), as determined under the most recent Greenhouse Gases Regulated Emissions and Energy Use in Transportation model (commonly referred to as the ‘GREET model’) developed by Argonne National Laboratory, or a successor model determined by the Secretary of the Treasury (or the Secretary’s delegate).

‘(2) QUALIFIED CLEAN HYDROGEN.—

‘(A) IN GENERAL.—The term ‘qualified clean hydrogen’ means hydrogen which is produced through a process that results in a lifecycle greenhouse gas emissions rate of not greater than 6 kilograms of CO2e per kilogram of hydrogen.

‘(3) ADDITIONAL REQUIREMENTS.—Such term shall not include any hydrogen unless such hydrogen is produced—

(i) on the premises of a plant located in the United States (as defined in section 638(2)), or

(ii) in the ordinary course of a trade or business of the taxpayer, and

(iii) for sale or use, as verified by an unrelated third party of such production and sale or
use in such form or manner as the Secretary may prescribe under subsection (f)(2).

(3) QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITY.—

(A) IN GENERAL.—The term ‘qualified clean hydrogen production facility’ means a facility owned by the taxpayer which produces qualified clean hydrogen and which meets the requirements of paragraph (b) or (c).

(B) TERMINATION.—The term ‘qualified clean hydrogen production facility’ shall not include any facility the construction of which begins before November 21, 2021.

(d) SPECIAL RULES.—

(1) TREATMENT OF FACILITIES OWNED BY MORE THAN 1 TAXPAYER.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

(2) COORDINATION WITH CREDIT FOR CARBON OXIDE REDUCTION.—Rules similar to the rules section 45(e)(3) shall apply for purposes of this section.

(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45X(d), as added by this Act, is amended by adding at the end the following new paragraph:

‘‘(8) So much of the credit for production of clean hydrogen determined under section 45X as is attributable to qualified clean hydrogen production facilities which are originally placed in service after December 31, 2021, and with respect to which an election is made under subsection (c)(3).’’.

(e) INCREASED CREDIT AMOUNT FOR QUALIFIED CLEAN HYDROGEN PRODUCTION FACILITIES.—

(1) IN GENERAL.—In the case of any qualified clean hydrogen production facility which satisfies the requirements of paragraph (d)(2), the amount of the credit determined under subsection (a) with respect to qualified clean hydrogen described in subsection (b)(2) shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

(2) REQUIREMENTS.—A facility meets the requirements of paragraphs (3) and (4).

(3) PREVAILING WAGE REQUIREMENTS.—

(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified clean hydrogen production facility are that the prevailing wage rate is 150 percent of the Federal minimum wage.

(B) A FACILITY WHICH SatisfIES THE REQUIREMENTS OF PARAGRAPH (3) WITH RESPECT TO CONSTRUCTION, ALTERATION, OR REPAIR OF FACILITIES WHICH OCCURS AFTER SUCH DATE.

(4) CONFORMING AMENDMENTS.—

(A) Section 38(b) is amended—

(i) in subsection (A), by striking ‘‘plus’’ at the end, ‘‘plus’’; and

(ii) by adding at the end the following new paragraph:

‘‘(B) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Section 45X(d), as added by this section, is amended by adding at the end the following new paragraph:

‘‘(3) CREDIT REDUCED FOR TAX-EXEMPT BONDS.—Rules similar to the rules under section 45(b)(3) shall apply for purposes of this section.’’.

(f) REGULATIONS.—The Secretary shall issue regulations to carry out the purposes of this section, including regulations or other guidance which—

(I) the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which—

(ii) recaptures so much of any credit allowed under section 45Q or 45X as is attributable to qualified clean hydrogen which is consistent with the hydrogen that such facility was designed and expected to produce during such taxable year by the taxpayer or a person related to the taxpayer at a qualified clean hydrogen production facility (as defined in section 45X(c)(3)).
(2) EFFECTIVE DATE.—The amendments made by this subsection shall apply to property placed in service after December 31, 2021 and, for any property the construction of which begins prior to January 1, 2022, to the extent attributable to the construction, reconstruction, or erection after December 31, 2021.

(b) CONFORMING AMENDMENT.—Section 6213(g)(2) is amended by striking “(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year,” and inserting—

"(2) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read—

"(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term ‘residential energy property expenditures’ means expenditures made by the taxpayer for qualified energy property which is—

"(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

"(B) originally placed in service by the taxpayer during such taxable year.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) QUALIFIED PROPERTY.—The term ‘qualified energy property’ means:

"(A) Any of the following which meet or exceed the highest efficiency tier (not including the highest efficiency tier established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service—

(i) An electric heat pump unitary or system.

(ii) An electric heat pump.

(iii) A central air conditioner.

(iv) A natural gas, propane, or oil water heater.

(B) A biomass stove—

(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

(C) Any oil furnace or hot water boiler which—

(i) is placed in service after December 31, 2021 and before January 1, 2027 and meets or exceeds 2021 Energy Star efficiency criteria and is rated by the manufacturer for use with eligible fuel blends of 20 percent or more, or

(ii) is placed in service after December 31, 2026 and achieves an annual fuel utilization efficiency rate of not less than 90 and is rated by the manufacturer for use with eligible fuel blends of 50 percent or more.

"(3) ELIGIBLE FUEL.—For purposes of paragraphs (2)(B)(i) and (ii), the term ‘eligible fuel’ means biodiesel, vegetable oil, animal fat, or renewable diesel (within the meaning of section 40A) and second generation biofuel (within the meaning of section 40A)."

(3) HOME ENERGY AUDITS.—

(A) IN GENERAL.—Section 25C, as amended by subsection (a), is amended by redesignating subsections (c), (d), and (e) as subsections (f), (g), and (h), respectively, and by striking subsection (d). The following new subsection is added:

"(e) MODIFICATION OF RESIDENTIAL ENERGY EFFICIENCY INCOME TAX INCENTIVES FOR INDIVIDUALS SEC. 136310. EXTENSION, INCREASE, AND MODIFICATIONS OF NONBUSINESS ENERGY PROPERTY CREDIT.

(a) EXTENSION OF CREDIT.—Section 25C(p)(2) is amended by striking “December 31, 2021” and inserting “December 31, 2023”.

(b) ALLOWANCE OF CREDIT.—Section 25C(a) is amended by adding—

"(A) ALLOWANCE OF CREDIT.—In the case of an individual, 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 sum of—

"(1) the amount paid or incurred by the taxpayer for qualified energy efficiency improvements installed during such taxable year, and

"(2) the amount of the residential energy property expenditures paid or incurred by the taxpayer during such taxable year.

(c) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read—

"(b) APPLICATION OF ANNUAL LIMITATION IN LIEU OF LIFETIME LIMITATION.—Section 25C(b) is amended to read—

"(1) IN GENERAL.—The credit allowed under this section with respect to any taxpayer for any taxable year shall not exceed $1,200.

"(2) ENERGY PROPERTY.—The credit allowed under subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed, with respect to any item of property, $600.

"(3) WINDOWS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

"(A) $250 in the case of any exterior door, and

"(B) $300 in the aggregate with respect to all exterior windows and skylights, $600.

"(4) DOORS.—The credit allowed under this section by reason of subsection (a)(1) with respect to any taxpayer for any taxable year shall not exceed—

"(A) $250 in the case of any exterior door, and

"(B) $300 in the aggregate with respect to all exterior windows and skylights.

"(5) CERTAIN PROPERTY EXCLUDED FROM LIMITATION.—Amounts paid or incurred for property described in clause (i) or (ii) of subsection (d)(1)(A) of section 469 or clause (B) of section 469(b) shall not be subject to the limitations in paragraphs (1) and (2) or factored in for purposes of calculating the limitation under such paragraph.

(d) MODIFICATIONS RELATED TO QUALIFIED ENERGY EFFICIENCY IMPROVEMENTS.—

(1) STANDARDS FOR ENERGY EFFICIENT BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(2) is amended by striking “meets” and all that follows through the period at the end and inserting the following—

"meets"—

"(A) in the case of an exterior window or skylight, the Energy Star Most efficient certification requirements

"(B) in the case of any other component, the prescriptive criteria for such component established by the International Energy Conservation Code standard in effect as of the beginning of the calendar year which is 2 years prior to the calendar year in which such component is placed in service.

(2) ROOFS NOT TREATED AS BUILDING ENVELOPE COMPONENTS.—Section 25C(c)(3) is amended by striking—

"(B) by striking ‘‘, and’’

"(C) by inserting at the end of subparagraph (B) the following:

"(D) the air sealing insulation added to definition of building envelope component.

"(3) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—Section 25C(d) is amended to read—

"(d) RESIDENTIAL ENERGY PROPERTY EXPENDITURES.—For purposes of this section—

"(1) IN GENERAL.—The term ‘residential energy property expenditures’ means expenditures made by the taxpayer for qualified energy property which is—

"(A) installed on or in connection with a dwelling unit located in the United States and used as a residence by the taxpayer, and

"(B) originally placed in service by the taxpayer during such taxable year.

Such term includes expenditures for labor costs properly allocable to the onsite preparation, assembly, or original installation of the property.

"(2) QUALIFIED PROPERTY.—The term ‘qualified energy property’ means:

"(A) Any of the following which meet or exceed the highest efficiency tier (not including the highest efficiency tier established by the Consortium for Energy Efficiency which is in effect as of the beginning of the calendar year in which the property is placed in service—

(i) An electric heat pump unitary or system.

(ii) An electric heat pump.

(iii) A central air conditioner.

(iv) A natural gas, propane, or oil water heater.

(B) A biomass stove—

(i) which uses the burning of biomass fuel to heat a dwelling unit located in the United States and used as a residence by the taxpayer, or to heat water for use in such a dwelling unit, and

(ii) which has a thermal efficiency rating of at least 75 percent (measured by the higher heating value of the fuel).

(C) Any oil furnace or hot water boiler which—

(i) is placed in service after December 31, 2021 and before January 1, 2027 and meets or exceeds 2021 Energy Star efficiency criteria and is rated by the manufacturer for use with eligible fuel blends of 20 percent or more, or

(ii) is placed in service after December 31, 2026 and achieves an annual fuel utilization efficiency rate of not less than 90 and is rated by the manufacturer for use with eligible fuel blends of 50 percent or more.

(4) LACK OF SUBSTANTIATION TREATED AS NONCREDIT QUALIFIED PROPERTY.—For purposes of this section, the term ‘qualified property’ includes any property which enters into an agreement with the Secretary which provides that such manufacturer will—

"(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide).

"(B) label such item with such number in such manner as the Secretary may provide, and

"(C) make periodic written reports to the Secretary which must include the following information—

(i) The manufacturer’s name and address

(ii) The product identification number

(iii) The year, model, and size of each item

(iv) Any other information the Secretary may require.

"(5) QUALIFIED MANUFACTURER.—For purposes of this section, the term ‘qualified manufacturer’ means any manufacturer of specified property which enters into an agreement with the Secretary which provides that such manufacturer will—

"(A) assign a product identification number to each item of specified property produced by such manufacturer utilizing a methodology that will ensure that such number (including any alphanumeric) is unique to each such item.

"(B) label such item with such number in such manner as the Secretary may provide, and

"(C) make periodic written reports to the Secretary which must include the following information—

(i) The manufacturer’s name and address

(ii) The product identification number

(iii) The year, model, and size of each item

(iv) Any other information the Secretary may require.

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YEARS AFTER 2023.—In the case of any taxable year beginning after December 31, 2022, the credit allowed under subsection (a) (excluding any credit carried forward from a previous taxable year) shall be treated as a credit allowed under subsection C (and not allowed under this subpart).

"(i) REQUIREMENT FOR QUALIFIED INSTALLER.—(A) In general.—No credit shall be allowed under this section with respect to any property described in subsection (a) placed in service after December 31, 2023 unless—

"(1) such property is installed by a qualified installer, and

"(2) the taxpayer includes the qualified installation identification number on the return for the taxable year.

"(B) INSTALLER DEEMED TO MEET REQUIREMENT.—(i) In general.—For purposes of this section, the term ‘qualified installer’ means an installer who enters into an agreement with the Secretary which provides that such installer will, with respect to expenditures described in subsection (a) in connection with the residence of a taxpayer—

"(1) provide the taxpayer with a qualified installation identification number and a written receipt of the purchase and installation of such property in a manner prescribed by the Secretary, and

"(2) make periodic written reports to the Secretary (in such manner as the Secretary may provide) of installation identification numbers assigned to expenditures, including such information as the Secretary may require with respect to such expenditures.

"(ii) Conditions.—(A) Such property is installed by a qualified installer described in paragraph (1) of this subsection.
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“(B) APPLICABLE DOLLAR VALUE.—For purposes of paragraph (3)(A)(i), the applicable dollar value shall be an amount equal to $0.99 increased (but not above $1.00) by $0.02 for each percentage point by which the total annual energy and power costs for the construction of which is one

“(i) A building or qualified retrofit plan the construction of which begins prior to 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (5) and (6).

“(ii) A building or qualified retrofit plan the construction of which meets the requirements of subsections (b) and (d)(1) shall not apply.

“(G) OTHER DEFINITIONS.—For purposes of this paragraph—

(1) ‘ENERGY EFFICIENT RETROFIT BUILDING PROPERTY’ means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building’s energy usage intensity by 25 percent or more in comparison to the baseline energy usage intensity of such building. Such plan shall provide for a qualified professional to

(iv) of section 45(b)(7)(B) shall apply.

‘QUALIFIED RETROFIT PLAN.—For purposes of this paragraph, the term ‘qualified retrofit plan’ means a written plan prepared by a qualified professional which specifies modifications to a building which, in the aggregate, are expected to reduce such building’s energy usage intensity by 25 percent or more in comparison to the baseline energy usage intensity of such building. Such plan shall provide for a qualified professional to

(6) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

(7) ALLOCATION OF DEDUCTION BY CERTAIN TAX-EXEMPT ENTITIES.—

‘(A) IN GENERAL.—The requirements described in clause (ii) are that the taxpayer shall ensure that any laborers and mechanics employed by contractors and subcontractors in the construction of any property which begins after the Secretary publishes guidance as the Secretary may provide.

‘(c) APPLICATION TO REAL ESTATE INVESTMENT TRUST EARNINGS AND PROFITS.—Section 312(a)(3)(B) is amended—

‘(D) QUALIFIED BUILDING.—For purposes of this paragraph, the term ‘qualified building’ means any building which—

(iii) is located in the United States, and

(ii) was originally placed in service not less than 5 years before the establishment of the qualified retrofit plan with respect to such building.

‘(E) QUALIFYING FINAL CERTIFICATION.—For purposes of this paragraph, the term ‘qualifying final certification’ means—

‘(a) EXTENSION OF CREDIT.—Section 45L(g) is amended by striking “December 31, 2021” and inserting “December 31, 2031”.

‘(b) INCREASE IN CREDIT AMOUNTS.—Section 45L(g)(3)(B) is amended to read as follows:

‘(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to—

‘(i) the case of a building eligible to participate in the Energy Star Residential New Construction Program or the Energy Star Manufactured New Homes program, the applicable amount described in clause (i)(A) (and not described in subsection (c)(1)(B)), $2,500, and

(ii) that is described in subsection (c)(1)(B), $5000, and

‘(B) INCREASE IN CREDIT AMOUNTS.—Section 45L(g)(3)(B) is amended to read as follows:

‘(i) that is described in subsection (c)(1)(A) (and not described in subsection (c)(1)(B)), $5000, and

(ii) that is described in subsection (c)(1)(B), $10,000.

‘(c) MODIFICATION OF ENERGY SAVING REQUIREMENTS.—Section 45L(c) is amended to read as follows:

‘(c) ENERGY SAVING REQUIREMENTS.—
“(A) such dwelling unit meets the requirements of subsection (d) and by inserting after subsection (g) of such section the following new paragraph—

“(ii) the term ‘person’ includes the Federal Government, a State or local government or any political subdivision thereof, or any instrumentality of any of the foregoing.”.

(3) CLERICAL AMENDMENTS.

(A) The heading for section 136 is amended—

(i) by inserting ‘‘AND WATER’’ after ‘‘ENERGY’’, and

(ii) by striking ‘‘PROVIDED BY PUBLIC UTILITIES’’.

(B) The item relating to section 136 in the table of sections of part III of subchapter B of chapter 1 is amended—

(i) by inserting ‘‘and water’’ after ‘‘energy’’, and

(ii) by striking ‘‘provided by public utilities’’.

(4) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2019.

SEC. 136306. CREDIT FOR 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.

(2) 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 the taxpayer’s expenditures for such item is not less than 25 percent.

(b) SPECIFIED WILDFIRE MITIGATION EXPENDITURE.—The term ‘specified wildfire mitigation expenditure’ means, with respect to any real property owned or leased by the taxpayer, any expenditure paid or incurred by the taxpayer to mitigate 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.

(2) QUALIFIED STATE WILDFIRE MITIGATION PROGRAM.—The term ‘qualified State wildfire mitigation program’ means any program of a State which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.”.

(3) EFFECTIVE DATES.—The amendments made by this section shall apply to dwelling units acquired after December 31, 2018. The amendments made by this section shall apply to amounts received after December 31, 2018.

(4) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2019.

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(2) 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 the taxpayer’s expenditures for such item is not less than 25 percent.

(b) SPECIFIED WILDFIRE MITIGATION EXPENDITURE.—The term ‘specified wildfire mitigation expenditure’ means, with respect to any real property owned or leased by the taxpayer, any expenditure paid or incurred by the taxpayer to mitigate 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.

(2) QUALIFIED STATE WILDFIRE MITIGATION PROGRAM.—The term ‘qualified State wildfire mitigation program’ means any program of a State which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.”.

(3) EFFECTIVE DATES.—The amendments made by this section shall apply to dwelling units acquired after December 31, 2018. The amendments made by this section shall apply to amounts received after December 31, 2018.

(4) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2019.

SEC. 136306. CREDIT FOR 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.

(2) 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 the taxpayer’s expenditures for such item is not less than 25 percent.

(b) SPECIFIED WILDFIRE MITIGATION EXPENDITURE.—The term ‘specified wildfire mitigation expenditure’ means, with respect to any real property owned or leased by the taxpayer, any expenditure paid or incurred by the taxpayer to mitigate 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.

(2) QUALIFIED STATE WILDFIRE MITIGATION PROGRAM.—The term ‘qualified State wildfire mitigation program’ means any program of a State which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.”.

(3) EFFECTIVE DATES.—The amendments made by this section shall apply to dwelling units acquired after December 31, 2018. The amendments made by this section shall apply to amounts received after December 31, 2018.

(4) NO INFERENCE.—Nothing in this Act or the amendments made by this Act shall be construed to create any inference with respect to the proper tax treatment of any subsidy received directly or indirectly from a public utility, a storm water management provider, or a State or local government for any water conservation measure or storm water management measure before January 1, 2019.
SEC. 36C. NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) ALLOWANCE OF CREDIT.—In the case of an individual, there shall be allowed as a credit against the tax for any taxable year an amount equal to the credit amount determined under subsection (b) with respect to any new qualified plug-in electric drive motor vehicle placed in service by the taxpayer during the taxable year.

(b) CREDIT AMOUNT.—

(1) IN GENERAL.—The amount determined under this subsection with respect to any new qualified plug-in electric drive motor vehicle is the sum of the amounts determined under paragraphs (2) through (6) with respect to such vehicle.

(2) BASE AMOUNT.—The amount determined under this paragraph is $4,000.

(3) BATTERY CAPACITY.—In the case of a new qualified plug-in electric drive motor vehicle, the amount determined under this paragraph is $3,500 if—

(A) in the case of a vehicle placed in service before January 1, 2027, such vehicle draws propulsion energy from a battery with not less than 40 kilowatt hours of capacity; or

(B) in the case of a vehicle placed in service after December 31, 2026, such vehicle draws propulsion energy from a battery with not less than 50 kilowatt hours of capacity and has a gasoline tank capacity not greater than 2.5 gallons.

(4) DOMESTIC ASSEMBLY.—In the case of a new qualified plug-in electric drive motor vehicle that satisfies the domestic assembly qualifications, the amount determined under this paragraph is $5,000.

(5) VEHICLE LIMITATION.—The number of new qualified plug-in electric drive motor vehicles taken in account under subsection (a) shall not exceed 1 per taxpayer per taxable year.

(6) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—

(1) IN GENERAL.—The amount of the credit allowable under subsection (a) for any taxable year shall be reduced (but not below zero) by $200 for each $1,000 (or fraction thereof) by which—

(A) the lesser of—

(i) the taxpayer's modified adjusted gross income for the preceding taxable year, exceeds the threshold amount.

(ii) the modified adjusted gross income for the preceding taxable year, exceeds

(B) the threshold amount.

For purposes of the preceding sentence, the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

(2) THRESHOLD AMOUNT.—For purposes of paragraph (1), the term 'threshold amount' means—

(A) $500,000 in the case of a joint return or surviving spouse (half such amount in the case of a separate return),

(B) $375,000 in the case of a head of household, and

(C) $250,000 in any other case.

(3) MANUFACTURER’S SUGGESTED RETAIL PRICE LIMITATION.—

(1) IN GENERAL.—No credit shall be allowed under subsection (a) for any vehicle with a manufacturer's suggested retail price in excess of the applicable limitation.

(2) APPLICABLE LIMITATION.—For purposes of paragraph (1), the applicable limitation for each vehicle classification is as follows:

(A) VAN.—In the case of a van, $80,000.

(B) SPORT UTILITY VEHICLES.—In the case of a sport utility vehicle, $85,000.

(C) PICKUP TRUCKS.—In the case of a pickup truck, $80,000.
“(B) to make periodic written reports to the Secretary (at such times and in such manner as the Secretary may provide) providing such vehicle identification numbers and such other information related to such vehicle as the Secretary may require.

“(4) BATTERY CAPACITY.—The term ‘capacity’ means, with respect to any battery, the quantity of electricity which the battery is capable of storing, expressed in kilowatt hours, as measured from a 100 percent state of charge to a 0 percent state of charge.

“(D) CREDIT ALLOWABLE UNDER SUBSECTION (a) SHALL BE REDUCED BY THE AMOUNT OF SUCH CREDIT ALLOWABLE UNDER SUBSECTION (a) WITH RESPECT TO ANY PROPERTY WHICH CEASES TO BE PROPERTY ELIGIBLE FOR SUCH CREDIT.

“(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowed under subsection (a) for any vehicle for which the taxpayer elects not to have this section apply to such vehicle.

“(1) INTERACTION WITH AIR QUALITY AND MOTOR VEHICLE SAFETY STANDARDS.—A vehicle shall not be considered eligible for a credit under this section unless such vehicle is in compliance with—

“(A) the applicable provisions of the Clean Air Act for the applicable make and model year of the vehicle (as defined in section 412(c)(4)), determined in a manner consistent with section 412(f)(6).

“(B) final assembly of a new qualified plug-in electric vehicle, that vehicles of that model are powered by battery cells which are manufactured in the United States as certified by the manufacturer at such time and in such form and manner as the Secretary may prescribe.

“(1) DOMESTIC ASSEMBLY QUALIFICATIONS.—The term ‘domestic assembly qualifications’ means, with respect to any new qualified plug-in electric vehicle, that the final assembly of such vehicle occurs at a plant, factory, or other place which is located in the United States and operating under a collective bargaining agreement negotiated by an employee organization (as defined in section 412(c)(4)), determined in a manner consistent with section 412(f)(6).

“(2) DOMESTIC CONTENT QUALIFICATIONS.—The term ‘domestic content qualifications’ means, with respect to any new qualified plug-in electric vehicle, that vehicles of that model are powered by battery cells which are manufactured in the United States as certified by the manufacturer at such time and in such form and manner as the Secretary may prescribe.

“(2) DOMESTIC CONTENT QUALIFICATIONS.—

“(A) In General.—In the case of a qualified 2- or 3-wheeled plug-in electric vehicle—

“(1) there shall be allowed as a credit against the tax imposed by this subtitle with respect to such vehicle an amount equal to the sum of the applicable amount with respect to such qualified 2- or 3-wheeled plug-in electric vehicle placed in service by the taxpayer during the taxable year, and

“(B) the amount of the credit allowed under subparagraph (A) shall be treated as a credit allowable under subsection (a).

“(2) APPLICABLE AMOUNT.—For purposes of paragraph (1), the applicable amount is an amount equal to the lesser of—

“(A) 30 percent of the cost of the qualified 2- or 3-wheeled plug-in electric vehicle, or

“(B) the manufacturer’s suggested retail price.

“(3) QUALIFIED 2- OR 3-WHEELED PLUG-IN ELECTRIC VEHICLE.—The term ‘qualified 2- or 3-wheeled plug-in electric vehicle’ means any vehicle which—

“(A) has 2 or 3 wheels,

“(B) meets the requirements of—

“(i) subparagraphs (A), (B), (C), (E), (F), (G), (H), and (I) of subsection (a), determined by substituting ‘2.5 kilowatt hours’ for ‘10 kilowatt hours’ in subparagraph (F)(i),

“(ii) paragraphs (3) and (4) of subsection (e), and

“(iii) subsections (f), (h), (i), and (k).

“(C) is manufactured primarily for use on public streets, roads, and highways, and by substituting ‘2.5 kilowatt hours’ for ‘10 kilowatt hours’ in subparagraph (F)(i),

“(D) is capable of achieving a speed of 45 miles per hour or greater.

“(3) BASIS REDUCTION.—For purposes of this subsection, the basis of such vehicle for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe.

“(3) TREATMENT OF CERTAIN POSSESSIONS.—

“(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEM.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (determined without regard to this subsection).

“(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts equal to the aggregate benefits (if any) that would have been provided to residents of such possession, determined by the Secretary under which such possession will promptly distribute such payments to its residents.

“(4) ASSEMBLY AND CONTENT QUALIFICATIONS.—For purposes of this section—

“(A) the availability or use of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

“(B) such election shall not limit the value or use of such incentive.

“(5) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than at the date on which the condition for which the credit is allowed under subsection (a) is purchased.

“(6) REVERSION OF REGISTERED.—Upon a determination (and not to such taxpayer).

“(7) APPLICABILITY OF CERTAIN OTHER REQUIREMENTS.—In the case of any vehicle sold to an eligible entity in an amount equal to the cumulative amount of the credits allowed under subsection (a) with respect to any vehicle sold by such entity for which an election described in paragraph (1) has been made.

“(8) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417(c)(7) shall apply for purposes of this paragraph.

“(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe.

“(B) value of the credit allowed or other incentive available for the purchase of such vehicle.

“(C) all fees associated with the purchase of such vehicle, and

“(D) with respect to any incentive otherwise available for the purchase of a vehicle for which a credit is allowed under this section, including any incentive in the form of a rebate or discount provided by the dealer or manufacturer, ensured the availability or use of such incentive.

“(E) for purposes of this subsection, the term ‘dealer’ means a person licensed by a State, the District of Columbia, the...
Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government (as defined in section 48b104(f)(1)), or any Alaska Native Corporation (as defined in paragraph 2 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m)) to engage in the sale of vehicles."

(2) **CONFORMING AMENDMENT.**—Section 36C(g)(3), as amended by the preceding provisions of this Act, is amended by striking ", (k)" and inserting "(k) and (l)"

(3) **REPEAL OF NONREFUNDABLE NEW QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE CREDIT.**—Subpart B of part IV of subchapter A of chapter 1 is amended by striking section 30D (and by striking the item relating to such section in the table of sections for subpart C of part IV) as amended by the preceding provisions of this Act.

(4) **CONFORMING AMENDMENTS.**—

(a) **IN GENERAL.**—Subsection (a) of section 38 is amended by striking "36C", after "36B", as added by the preceding provisions of this Act.

(b) **APPLICATION.**—Section 38(d) (relating to credit for previously-owned qualified plug-in electric drive motor vehicles) to be included on a return.

(c) **Rule of Construction.**—The preceding rules shall not apply unless the respective possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession will promptly distribute such payments to its residents.

(5) **MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.**—Rules similar to the rules of section 38 shall apply to the rules of this section.

(6) **TRANSFER OF CREDIT.**—Rules similar to the rules of section 38(k) shall apply.

(7) **TERMINATION.**—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2031.

(8) **CONFORMING AMENDMENTS.**—

(a) **IN GENERAL.**—The amendments made by the preceding provisions of this Act, is amended by inserting "36C", after "36B", as added by the preceding provisions of this Act.

(b) **APPLICATION.**—Section 38(d) (relating to credit for previously-owned qualified plug-in electric drive motor vehicles) to be included on a return.

SEC. 38C. CREDIT FOR PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.

(a) **IN GENERAL.**—Subpart C of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36C the following new section:

**SEC. 36D. PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLES.**

"(a) ALLOWANCE OF CREDIT.—In the case of a vehicle placed in service during a taxable year, that vehicle is a previously-owned qualified plug-in electric drive motor vehicle, there shall be allowed as a credit against the tax imposed by this subtitle for the taxable year an amount equal to the sum of—

(1) $2,000, plus

(2) the supplemental credit amount.

(b) **SUPPLEMENTAL CREDIT AMOUNT.**—For purposes of subsection (a), the term ‘supplemental credit amount’ means—

(1) $2,000, if—

(A) the case of a vehicle placed in service before January 1, 2027, such vehicle draws propulsion energy from a battery with not less than 40 kilowatt hours of capacity and has a gasohol tank capacity not greater than 2.5 gallons, and

(B) in the case of a vehicle placed in service after December 31, 2026, such vehicle draws propulsion energy from a battery with not less than 50 kilowatt hours of capacity and has a gasohol tank capacity not greater than 2.5 gallons.

(2) $0 in any other case.

(c) LIMITATION BASED ON MODIFIED ADJUSTED GROSS INCOME.—The amount which would be (but for this paragraph) be allowed as a credit under subsection (a) shall be reduced (but not below zero) by $200 for each $1,000 (or fraction thereof) by which the lesser of—

(A) the taxpayer’s modified adjusted gross income for such taxable year exceeds $150,000, and

(B) the taxpayer’s modified adjusted gross income for the preceding taxable year, exceeds—

(1) $150,000 in the case of a joint return or a surviving spouse (as defined in section 2), and

(2) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

(d) **DEFINITIONS.**—For purposes of this section—

(1) PREVIOUSLY-OWNED QUALIFIED PLUG-IN ELECTRIC DRIVE MOTOR VEHICLE.—The term ‘previously-owned qualified plug-in electric drive motor vehicle’ means, with respect to a taxpayer, a motor vehicle—

(A) the motor vehicle is of which is at least 2 years earlier than the calendar year in which the taxpayer acquires such vehicle,

(B) the original use of which commences with a person other than the taxpayer,

(C) which is acquired by the taxpayer in a qualified sale, and

(D) which meets the requirements of paragraphs (1), (2), (4), (5), and (6) of section 36C(e)(1) (determined by applying previously-owned qualified plug-in electric drive motor vehicle to be included on a return.

(2) QUALIFIED SALE.—The term ‘qualified sale’ means a sale of a motor vehicle—

(A) by a seller who holds such vehicle in inventory (within the meaning of section 471) for sale or lease,

(B) for a sale price not to exceed $25,000, and

(C) which is sold after the date of the enactment of this section to a person other than the person with whom the original use of such vehicle commenced.

(3) QUALIFIED BUYER.—The term ‘qualified buyer’ means, with respect to a sale of a motor vehicle, a taxpayer—

(A) who is an individual,

(B) who purchases such vehicle for use and not for resale,

(C) with respect to whom no deduction is allowable with respect to another taxpayer under section 151,

(D) who has not been a taxpayer in the case of a vehicle placed in service during a taxable year that vehicle is a previously-owned qualified plug-in electric drive motor vehicle,

(E) who possesses a certificate issued by the seller that certifies—

(1) that the vehicle is a previously-owned qualified plug-in electric drive motor vehicle,

(ii) the vehicle identification number of such vehicle,

(iii) the capacity of the battery at time of sale, and

(iv) such other information as the Secretary may require.

(4) MOTOR VEHICLE CAPACITY.—The terms ‘motor vehicle’ and ‘capacity’ have the meaning given such terms in paragraphs (2) and (4) of section 36C(e), respectively.

(e) **TAXABILITATION REQUIREMENT.**—No credit shall be allowed under subsection (a) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return for the taxable year.

(f) **APPLICATION OF CERTAIN RULES.**—For purposes of this section, rules similar to the rules of section 36C(f), respectively, of this Act shall apply for purposes of this section.

(g) **CERTIFICATE SUBMISSION REQUIREMENT.**—The Secretary shall require that the issuer of the certificate described in subsection (c)(3)(E) submit such certificate to the Secretary at the time and in the manner required by the Secretary.

(h) **TREATMENT OF CERTAIN POSSESSIONS.**—

(1) **PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.**—The Secretary shall pay to the residents of a possession which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section. Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

(2) **PAYMENTS TO OTHER POSSESSIONS.**—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated by the Secretary as being equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession.

(i) **TERMINATION.**—No credit shall be allowed under this section with respect to any vehicle acquired after December 31, 2031.

(2) **CONFORMING AMENDMENTS.**—

(a) **IN GENERAL.**—The amendments made by the preceding provisions of this Act, is amended by inserting "36D", after "36C", as added by the preceding provisions of this Act.

(b) **APPLICATION.**—Section 38(d) (relating to credit for previously-owned qualified plug-in electric drive motor vehicles) to be included on a return.

(c) **Rule of Construction.**—The rules of section 38(k) shall apply to the rules of this section.

SEC. 38C. CREDIT FOR QUALIFIED COMMERCIAL ELECTRIC VEHICLES.

(a) **IN GENERAL.**—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

**SEC. 38D. CREDIT FOR QUALIFIED COMMERCIAL ELECTRIC VEHICLES.**

(1) GENERAL.—For purposes of section 38, the qualified commercial electric vehicle credit for any taxable year is an amount equal to the
sum of the credit amounts determined under subsection (b) with respect to each qualified commercial electric vehicle placed in service by the taxpayer during the taxable year.

(b) ELECTIVE AMOUNT.—

(1) IN GENERAL.—The amount determined under this subsection with respect to any qualified commercial electric vehicle shall be equal to the lesser of—

(A) 15 percent of the basis of such vehicle (30 percent in the case of a vehicle not powered by a gasoline or diesel internal combustion engine), or

(B) the incremental cost of such vehicle.

(2) INCREMENTAL COST.—For purposes of paragraph (1), the incremental cost of a qualified commercial electric vehicle is an amount equal to the excess of the purchase price for such vehicle over such price of a comparable vehicle.

(3) COMPARABLE VEHICLE.—For purposes of this paragraph, the term ‘comparable vehicle’ means, with respect to any qualified commercial electric vehicle, any vehicle which is powered solely by a gasoline or diesel internal combustion engine and which is comparable in size and use to such vehicle.

(b) ELECTIVE FOR LEASE TO INDIVIDUALS.—

(1) IN GENERAL.—In the case of a commercial electric vehicle which is acquired by the taxpayer for the purpose of leasing such vehicle to any individual, the incremental cost determined under this subsection with respect to such vehicle shall, at the election of such taxpayer, be equal to the amount of the credit that would otherwise be allowable under subsection (b) as exceeds the amount of the credit which would have otherwise been allowable under such subsection if, for purposes of subsection (b)(4)(A), the amount of the credit that would otherwise be allowable under section 36C(c)(2) were determined as if such vehicle had been acquired and placed in service by such individual and subject to reduction under subsection (b)(2).

(2) VEHICLES PLACED IN SERVICE BY TAX-EXEMPT ENTITIES.—Subsection (c)(4) shall not apply to any vehicle which is not subject to a lease and which is placed in service by a tax-exempt entity described in clause (i), (ii), or (iii) of section 168(h)(2)(A).

(3) VEHICLE IDENTIFICATION NUMBERS.—No credit shall be determined under subsection (a)(1) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

(c) QUALIFIED COMMERCIAL ELECTRIC VEHICLE.—For purposes of this section, the term ‘qualified commercial electric vehicle’ means an electric vehicle which—

(1) meets the requirements of subparagraphs (A) and (C) of section 36C(e)(1) without regard to any gross vehicle weight rating or the requirements of section 36C(d), and is acquired for use or lease by the taxpayer and not for resale,

(2) either—

(A) meets the requirements of subparagraph (D) of section 36C(e)(1) and is manufactured primarily or in whole or in part on public streets, roads, and highways (not including a vehicle operated exclusively on a rail or railroad), or

(B) is propelled to a significant extent by an electric motor which draws electricity from a battery which has a capacity of not less than 15 kilowatt hours and is capable of being recharged from an external source of electricity, or

(C) is a new qualified fuel cell vehicle described in paragraphs (A) and (B) of section 30B(b)(3), and

(D) is of a character subject to the allowance for depreciation.

(d) RULES.—

(1) IN GENERAL.—Subject to paragraph (2), rules similar to the rules under subsection (f) of section 36C shall apply for purposes of this section.

(2) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recap- ture of any credit allowed under subsection (a) with respect to any property which ceases to be property eligible for such credit, including regulations or other guidance which provides for the recapture of a qualified commercial electric vehicle for which an election was made under subsection (b)(4)—

(a) recaptures the credit allowed under subsection (a) if—

(i) such vehicle was not leased to an individual, or

(ii) the taxpayer failed to comply with the requirements described in subsection (b)(4)(B)(ii), and

(b) the case of a commercial electric vehicle which is leased by an individual whose modified gross income exceeds the threshold amount under section 36C(c)(2), recaptures so much of the credit allowed under subsection (a) as exceeds the amount of the credit which would have otherwise been allowable under such subsection if, for purposes of subsection (b)(4)(A), the amount of the credit that would otherwise be allowable under section 36C(c)(2) with respect to such vehicle had been determined as if such vehicle was acquired and placed in service by such individual and subject to reduction under subsection (b)(2).

(e) VIN NUMBER REQUIREMENT.—No credit shall be determined under subsection (a)(1) with respect to any vehicle unless the taxpayer includes the vehicle identification number of such vehicle on the return of tax for the taxable year.

(f) TERMINATION.—A qualified commercial electric vehicle shall be determined under this section with respect to any vehicle acquired after December 31, 2031.

(g) PERSONAL CREDIT.—For purposes of this section, the credit allowed under subsection (d)(2) thereof.

(h) LIMITATIONS.—The amount of the credit determined under this section with respect to any vehicle unless the taxpayer—

(A) is a new qualified plug-in electric drive motor vehicle, and

(B) has been acquired and placed in service by an individual.

(i) DISCLOSURE REQUIREMENT.—For purposes of any regulations or other guidance prescribed under clause (i), the Secretary shall require that, as a condition of an election under subparagraph (A), the taxpayer making such election shall be required to disclose to the lessee the information required under section 36C(e)(3) with respect to such vehicle.

(j) ELECTRIC POWER CARD READER.—For purposes of section 36C, paragraph (3) shall be treated as a credit allowable under this section.

(k) ADDITIONAL CREDIT FOR CERTAIN ELECTRIC CHARGING PROPERTY.—

(1) IN GENERAL.—Section 30C(a) is amended—

(A) by striking ‘‘equal to 30 percent’’ and inserting ‘‘equal to the sum of—’’,

(B) by striking ‘‘30 percent (6 percent in the case of property of a character subject to depreciation)’’ and inserting ‘‘30 percent (6 percent in the case of property of a character subject to depreciation),’’

(C) by adding at the end the following new paragraph:

‘‘(2) 4 percent of so much of such cost as exceeds the limitation under subsection (b)(1) that does not exceed the amount of cost attributable to the installation of electric vehicle refueling property (determined without regard to section (c)(1) and as if only electricity, and fuel at least 85 percent of the volume of which consists of natural gas, liquified natural gas, liquefied petroleum gas, or hydrogen, were treated as clean-burning fuels for purposes of section 179A(d))—’’,

(D) is intended for general public use with no associated fee or payment arrangement, or

(E) is intended for use exclusively by commercial or governmental vehicles.

(2) COMFORMING AMENDMENT.—Section 30C(b) is amended—

(A) by striking ‘‘The credit allowed under subsection (a) and inserting ‘‘The amount of cost taken into account under subsection (a)’’,

(B) by striking ‘‘$30,000’’ and inserting ‘‘$100,000’’, and

(C) by striking ‘‘$1,000’’ and inserting ‘‘$3,333.33’’.

(l) BIDIRECTIONAL CHARGING EQUIPMENT IN COMBINATION WITH A QUALIFIED FUEL CELL VEHICLE.—

(1) IN GENERAL.—The amount of the credit determined under section 30C(c) is amended to read as follows:

‘‘(c) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this section—

(A) ‘‘in general’’—The term ‘‘qualified alternative fuel vehicle refueling property’’ has the meaning of section 179A if—

(i) Any fuel at least 85 percent of the volume of which consists of one or more of the following: ethanol, natural gas, compressed natural gas, liquefied natural gas, liquefied petroleum gas, or hydrogen. 

(ii) Any mixture—

(A) which consists of two or more of the following: biodiesel (as defined in section 40A(d)(1)), diesel fuel (as defined in section 4083(a)(3)), or kerosene, and

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"(a) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (1) that is propelled by electricity, but only the property—

(1) (A) is capable of charging the battery of a motor vehicle propelled by electricity, and

(B) allows discharging electricity from such battery to an electric load external to such motor vehicle.

(c) ELECTRIC CHARGING STATIONS INCLUD ED FOR PURPOSES OF THIS SUBSECTION.—Section 30C is amended by redesignating subsections (f) and (g) as subsections (g) and (h), respectively, and by inserting after subsection (e) the following:

"(f) SPECIAL RULE FOR ELECTRIC CHARGING STATIONS FOR CERTAIN VEHICLES WITH 2 OR 3 WHEELS.—For purposes of this section—

(I) IN GENERAL.—The term 'qualified alternative fuel vehicle refueling property' includes any property described in subsection (c) for the recharging of a motor vehicle described in paragraph (1) that is propelled by electricity, but only the property—

(A) meets the requirements of subsection (a)(2), and

(B) is for a character subject to depreciation.

(ii) MOTOR VEHICLE.—A motor vehicle is described in this paragraph if the motor vehicle—

(A) is manufactured primarily for use on public streets, roads, or highways (not including a vehicle operated exclusively on a rail or rails), and

(B) has at least 2, but not more than 3, wheels.

(d) WAGE AND APPRENTICESHIP REQUIREMENTS.—Section 30C, as amended by this section, is amended by redesignating subsections (g) and (h) as subsections (h) and (i) and by inserting after subsection (f) the following new subsection:

(I) WAGE AND APPRENTICESHIP REQUIREMENTS.—

(1) INCREASED CREDIT AMOUNT.—

(A) IN GENERAL.—In the case of any qualified alternative fuel vehicle refueling property which satisfies the requirements of subparagraph (C), the amount of the credit determined under subsection (a)(2) for property of a character subject to depreciation shall be equal to such amount multiplied by 5 (determined without regard to this sentence).

(B) QUALIFIED ALTERNATIVE FUEL VEHICLE REFUELING PROPERTY.—For purposes of this subsection, the term 'qualified alternative fuel vehicle refueling project' means a project consisting of multiple properties that are part of a single project. The requirements of this paragraph shall be applied to such project.

(C) PROJECT REQUIREMENTS.—A project meets the requirements of this subparagraph if it is one of the following:

(i) A project the construction of which begins prior to the date that is 60 days after the Secretary publishes guidance with respect to the requirements of paragraphs (2) and (3).

(ii) A project which satisfies the requirements of paragraphs (2) and (3).

(f) APPRENTICESHIP REQUIREMENTS.—

(A) IN GENERAL.—The requirements described in this subparagraph with respect to any qualified alternative fuel vehicle refueling project that are that the taxpayer shall ensure that any apprentices and mechanics employed by contractors and subcontractors in the construction of such property shall be paid wages at rates not less than the prevailing wage for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subsection 4 of chapter 1 of subtitle D of title 49.

(B) CORRECTION AND PENALTY RELATED TO FAILURE TO SATISFY WAGE REQUIREMENTS.—

Rules similar to the rules of clauses (b) through (g) of section 45(b)(3)(A) shall apply.

(g) REGULATIONS AND GUIDANCE.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate for purposes of this subsection, including regulations or other guidance which provides for requirements for recordkeeping or information reporting for purposes of establishing the requirements of this subsection.

(h) EFFECTIVE DATE.—The amendments made by this section shall apply to tax years beginning after December 31, 2021.

SEC. 136406. REIMSTATEMENT AND EXPANSION OF EMPLOYER-PROVIDED FRINGE BENEFITS FOR BICYCLE COMMUTING.

(a) REPEAL OF SUSPENSION FOR EXCLUSION OF QUALIFIED BICYCLE COMMUTING BENEFITS.—Section 132(f)(1) is amended by striking paragraph (8). 

(b) EXPANSION OF BICYCLE COMMUTING BENEFITS.—Section 132(f)(5)(F) is amended to read as follows:

"(F) DEFINITIONS RELATED TO BICYCLE COMMUTING BENEFITS.—

(i) QUALIFIED BICYCLE COMMUTING BENEFIT.—The term 'qualified bicycle commuting benefit' means, with respect to any calendar year—

(I) any employer reimbursement during the 12-month period beginning with the day of such calendar year for reasonable expenses incurred by the employee during such calendar year for the purchase (including associated finance charges), lease, rental (including a bikeshare), improvement, repair, or storage of qualified commuting property, or

(II) the direct or indirect provision by the employer during such calendar year of the use of a bikeshare, improvement, repair, or storage of qualified commuting property, if the employee regularly uses such qualified commuting property for travel between the employee's residence, place of employment, a qualified parking facility, or a mass transit facility that connects the employee to their residence or place of employment.

(ii) QUALIFIED COMMUTING PROPERTY.—The term 'qualified commuting property' means—

(I) any bicycle (other than a bicycle equipped with electric propulsion) used for travel between the employee's residence, place of employment, a qualified parking facility, or a mass transit facility that connects the employee to their residence or place of employment,

(II) any electric bicycle which meets the requirements of paragraph (5) of section 132(f)(5),

(iii) any 2- or 3-wheel scooter (other than a scooter equipped with electric propulsion), and

(IV) any 2- or 3-wheel scooter propelled by an electric motor if such motor does not provide assistance if the speed of such scooter exceeds 20 miles per hour (or if the speed of such scooter is not capable of exceeding 20 miles per hour) and the weight of such scooter does not exceed 100 pounds.

(iii) BIKESHARE.—The term 'bikeshare' means a rental operation at which qualified commuting property is made available to customers to pick up and drop off the property at a 20-point-use within a defined geographic area.

(c) LIMITATION ON EXCLUSION.—Section 132(f)(2)(C) is amended to read as follows:

"(C) 30 percent amount in effect under subparagraph (B) per month in the case of any qualified bicycle commuting benefit."

(d) NO CONSTRUCTIVE RECEIPT.—Section 132(f)(4) is amended to read as follows:

"(4) OTHER THAN A QUALIFIED BICYCLE COMMUTING REIMBURSEMENT.—

(e) CONFORMING AMENDMENTS.—

(1) Section 132(f)(6) is amended by striking "reimbursement" and inserting "benefit."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 136407. CREDIT FOR CERTAIN NEW ELECTRIC BICYCLES.

(a) IN GENERAL.—(1) Subpart C of part IV of chapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36D the following new section:

"SEC. 36E. ELECTRIC BICYCLES.

"(a) ALLOWANCE OF CREDIT.—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 cost of each qualified electric bicycle placed in service by the taxpayer during such taxable year.

(1) LIMITATION ON COST PER ELECTRIC BICYCLE TAKEN INTO ACCOUNT.—The amount taken into account under subsection (a) as the cost of any qualified electric bicycle shall not exceed $3,000.

(2) BICYCLE LIMITATION WITH RESPECT TO CREDIT.—

(1) LIMITATION ON NUMBER OF PERSONAL-USE BICYCLES.—In the case of any taxpayer for any taxable year, the number of personal-use bicycles taken into account under subsection (a) shall not exceed the excess (if any) of—

(I) 1 (in the case of a joint return), reduced by—

(i) the aggregate number of bicycles taken into account by the taxpayer under subsection (a) for the 2 preceding taxable years,

(ii) $120 in the case of a head of household (as defined in section 2(b)), and

(iii) $75 in the case of a taxpayer not described in clause (1) or (ii).

(2) MODIFIED ADJUSTED GROSS INCOME.—For purposes of subparagraph (B), the term 'modified adjusted gross income' means adjusted gross income increased by any amount excluded from gross income under section 911, 931, or 933.

(b) LIMITATION FOR PURPOSES OF THIS SECTION.—For purposes of subparagraph (B), the term 'modified adjusted gross income' means adjusted gross income of the taxpayer that is taken into account for purposes of this paragraph shall be the lesser of—

(1) the modified adjusted gross income for the taxable year in which the credit is claimed, or

(2) the modified adjusted gross income for the immediately preceding taxable year.

(c) ELECTRIC BICYCLES.—For purposes of this section, the term 'qualified electric bicycle' means a bicycle—

(I) the original use of which commences with the taxpayer,

(II) which is acquired for use by the taxpayer and not for resale,

(III) which is made by a qualified manufacturer and is labeled with the qualified vehicle identification number assigned to such bicycle by such manufacturer,

(IV) with respect to which the aggregate amount paid for such acquisition does not exceed $4,000, and

(V) which is equipped with—

(A) fully operable pedals,

(B) a saddle or seat for the rider, and

(C) an electric motor of less than 750 watts which is designed to provide assistance in propelling the bicycle and—

(i) does not provide such assistance if the bicycle is moving in excess of 20 miles per hour,

(ii) if such motor only provides such assistance if the rider does not provide such assistance if the bicycle is moving in excess of 28 miles per hour,

(iii) does not exceed 750 watts in total power, and

(iv) does not exceed 20 miles per hour.

(d) VEHICLE IDENTIFICATION NUMBER.—Subchapter A of chapter 1, as amended by the preceding provisions of this Act, is amended by inserting after section 36B the following new section:

"SEC. 36B. VEHICLE IDENTIFICATION NUMBER.

"(a) IN GENERAL.—No credit shall be allowed under subsection (a) with respect to any qualified electric bicycle unless the taxpayer includes
the qualified vehicle identification number of such bicycle on the return of tax for the taxable year.

(2) QUALIFIED VEHICLE IDENTIFICATION NUMBER.—This section does not apply to such bicycle if the taxpayer elects to not have this section apply to such bicycle.

(3) QUALIFIED MANUFACTURER.—For purposes of this section, the term ‘qualified manufacturer’ means any manufacturer of qualified electric bicycles which enters into an agreement with the Secretary that provides that such manufacturer shall:

(A) include in the sale of each qualified electric bicycle produced by such manufacturer utilizing a methodology that will ensure (including through (including any alphanumeric)) unique to such bicycle (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide).

(B) label such bicycle with such number in such manner as the Secretary may provide, and

(C) make periodic written reports to the Secretary that such number was so assigned.

(e) SPECIAL RULES.—

(1) BASIS REDUCTION.—For purposes of this subtitle, and any property for which a credit is allowable under subsection (a) shall be reduced by the amount of such credit so allowed.

(2) NO DOUBLE BENEFIT.—The amount of any deduction or other credit allowable under this chapter for a qualified electric bicycle for which a credit is allowable under subsection (a) shall be reduced by the amount of credit allowed under such subsection for such bicycle.

(3) PROPERTY USED OUTSIDE UNITED STATES NOT QUALIFIED.—No credit shall be allowable under subsection (a) with respect to any property which ceases to be property eligible under such credit.

(4) RECAPTURE.—The Secretary shall, by regulations or other guidance, provide for recapturing the benefit of any credit allowable under subsection (a) with respect to any property which ceases to be property eligible under such credit.

(5) ELECTION NOT TO TAKE CREDIT.—No credit shall be allowable under subsection (a) for any bicycle if the taxpayer elects to not have this section apply to such bicycle.

(f) TREATMENT OF CERTAIN POSSESSIONS.—

(1) PAYMENTS TO POSSESSIONS WITH MIRROR CODE TAX SYSTEMS.—The Secretary shall pay to each possession of the United States which has a mirror code tax system amounts equal to the loss (if any) to that possession by reason of the application of the provisions of this section (or terminated without regard to this subsection). Such amounts shall be determined by the Secretary based on information provided by the government of the respective possession.

(2) PAYMENTS TO OTHER POSSESSIONS.—The Secretary shall pay to each possession of the United States which does not have a mirror code tax system amounts estimated to be equal to the aggregate benefits (if any) that would have been provided to residents of such possession by reason of the provisions of this section if a mirror code tax system had been in effect in such possession. The preceding sentence shall not apply unless the respective possession has a plan which has been approved by the Secretary under which such possession would promptly distribute such payments to its residents.

(3) MIRROR CODE TAX SYSTEM; TREATMENT OF PAYMENTS.—In the case of subsection (2), the requirements of paragraphs (1) and (4) of section 21(h) shall apply for purposes of this section.

(g) TRANSFER OF CREDIT.—

(1) IN GENERAL.—Subject to such regulations or other guidance as the Secretary determines necessary or appropriate, if the taxpayer who acquired the qualified electric bicycle under subsection (a) on or after November 30, 2021 elects the application of this subsection with respect to such qualified electric bicycle, the credit which would (but for this subsection) be allowable to such taxpayer with respect to such qualified electric bicycle shall be allowed to the eligible entity specified in such election (and not to such taxpayer).

(2) ELIGIBLE ENTITY.—For purposes of this paragraph, the term ‘eligible entity’ means, with respect to the qualified electric bicycle for which the credit is allowable under subsection (a), the qualified manufacturer or qualified electric bicycle to the taxpayer and has—

(A) subject to paragraph (4), registered with the Secretary for purposes of this paragraph, at such time, and in such form and manner, as the Secretary may prescribe,

(B) prior to the election described in paragraph (1) and no later than at the time of such sale, disclosed to the taxpayer purchasing such qualified electric bicycle—

(i) the retail price,

(ii) the rate at which the credit allowed or other incentive available for the purchase of such qualified electric bicycle,

(iii) all fees associated with the purchase of such qualified electric bicycle,

(iv) the amount provided by the retailer to such taxpayer as a condition of the election described in paragraph (1), and

(v) such other information as the Secretary may require with respect to any property.

(3) MIRROR CODE TAX SYSTEM ; TREATMENT OF CERTAIN POSSESSIONS.—

(A) IN GENERAL.—The term ‘mirror code tax system’ amounts equal to the aggregate benefits (if any) is unique to such bicycle (by utilizing numbers or letters which are unique to such manufacturer or by such other method as the Secretary may provide).

(B) label such bicycle with such number in such manner as the Secretary may provide, and

(C) made payment to such taxpayer (whether in cash or in the form of a partial payment or down payment for the purchase of such qualified electric bicycle) in an amount equal to the credit allowed under such section, and

(D) with respect to any incentive otherwise available for the purchase of a qualified electric bicycle for which a credit is allowed under this section, the form of a rebate or discount provided by the retailer or manufacturer, ensured that—

(i) the amount or rate of such incentive shall not limit the ability of a taxpayer to make an election described in paragraph (1), and

(ii) such election shall not limit the value of or use of such incentive.

(4) TIMING.—An election described in paragraph (1) shall be made by the taxpayer not later than the date on which the qualified electric bicycle for which the credit is allowed under subsection (a) is purchased.

(5) REVOCATION OF REGISTRATION.—Upon determination by the Secretary that a retailer has failed to comply with the requirements described in paragraph (2), the Secretary may revoke the registration (as described in subparagraph (A) of such paragraph) of such retailer.

(h) TAX TREATMENT OF PAYMENTS.—With respect to any payment described in paragraph (2)(C), such payment—

(A) shall not be includable in the gross income of the taxpayer,

(B) with respect to the retailer, shall not be deductible under this title.

(i) APPLICABILITY OF OTHER REQUIREMENTS.—In the case of any election under paragraph (1) with respect to any qualified electric bicycle—

(A) the amount of the reduction under subsection (b) shall be determined with respect to the modified adjusted gross income of the taxpayer for the taxable year preceding the taxable year in which such qualified electric bicycle was acquired (and not with respect to such income for the taxable year in which such qualified electric bicycle was acquired),

(B) the requirements of paragraphs (1) and (2) of subsection (e) shall apply to the taxpayer who acquired the qualified electric bicycle in the same manner as if the credit determined under this section had been for a qualified electric bicycle to which such taxpayer and

(C) subsection (e)(5) shall not apply.

(7) ADVANCE PAYMENT TO REGISTERED RETAILERS.—

(A) IN GENERAL.—The Secretary shall establish a program to make advance payments to any qualified electric bicycle to which such a retailer and has—

(B) EXCESSIVE PAYMENTS.—Rules similar to the rules of section 6417C(t) shall apply for purposes of this paragraph.

(8) RETAILER.—For purposes of this subsection, the term ‘retailer’ means a person engaged in the trade or business of selling qualified electric bicycles in the District of Columbia, the Commonwealth of Puerto Rico, any other territory or possession of the United States, an Indian tribal government (as defined in section 4604A(4)(F)(ii)), or any Alaska Native Corporation (as defined in section 3 of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))).

(9) TERMINATION.—This section shall not apply to bicycles placed in service after December 31, 2025.

(b) TAX AMENDMENTS.—

(1) Section 1016(a) is amended by striking “and” at the end of paragraph (38), by striking the period at the end of paragraph (39) and inserting “,” and by adding at the end the following new paragraph:

(40) To the extent provided in section 36E(b)(1).

(2) Section 6211(b)(4)(A) of such Code is amended by inserting “36E by reason of subsection (c)(2) thereof,” before “32.”.

(3) Section 6213(g)(2), as amended by the preceding provisions of this Act, is amended—

(A) in subparagraph (U), by striking “and” at the end,

(B) in subparagraph (V), by striking the period at the end and inserting “,” and,

(C) by adding at the end the following:

“W an omission of a correct vehicle identification number required under section 36E(d) (relating to electric bicycles credit) to be included on a return.”.

(4) Section 6501(m) is amended by inserting “36E(f)(4),” after “36E(f)(4),”.

(5) Section 1324(b)(2) of title 31, United States Code, is amended by inserting “36E,” after “36E,”.

(c) CLERICAL AMENDMENT.—The table of sections for part IV of subchapter C of chapter 6 of subchapter A of subchapter B of part IV of subchapter A of chapter 1 of title 39, United States Code, is amended by inserting “36E,” after “36E,”.

(d) EFFECTIVE DATE.—As amended by this section shall apply to property placed in service after December 31, 2021, in taxable years ending after such date.

PART 5—INVESTMENT IN THE GREEN WORKFORCE AND MANUFACTURING

SEC. 136501. EXTENSION OF THE ADVANCED ENERGY PROJECT CREDIT.

(a) EXTENSION OF CREDIT.—Section 48C is amended by—

(b) CONFORMING AMENDMENTS.—

(c) EFFECTIVE DATE.—As amended by this section shall apply to property placed in service after December 31, 2021, in taxable years ending after such date.

(1) EXTENSION OF CREDIT.—Section 36E is amended by—

(2) CONFORMING AMENDMENTS.—
(6) PROPERTY FOR PRODUCTION OF HYDROGEN.—Section 48C(c)(1)(A)(i) is amended by striking “or” at the end of subclause (VI), by redesignating subclause (VII) as subclause (VI), and by inserting after subclause (VI) the following new subclause: “(VII) property designed to be used to produce qualified clean hydrogen (as defined in section 45X).”

(7) RECYCLING OF ADVANCED ENERGY PROPERTY.—Section 48C(c)(1) is amended by adding at the end the following new subparagraph:

“(C) SPECIAL RULE CONCERNING RECYCLING FACILITIES.—A facility which recycles batteries or similar energy storage property described in subparagraph (A)(i) shall be treated as part of a manufacturing facility described in such subparagraph.”.

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

SEC. 136502. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new section:

“SEC. 45Z. LABOR COSTS OF INSTALLING MECHANICAL INSULATION PROPERTY.

“(a) IN GENERAL.—For purposes of section 38, the mechanical insulation labor costs credit determined under this section for any taxable year is an amount equal to 2 percent of the mechanical insulation labor costs paid or incurred by the taxpayer during such taxable year.

“(b) MECHANICAL INSULATION LABOR COSTS.—For purposes of this section—

“(1) IN GENERAL.—The term ‘mechanical insulation labor costs’ means the labor costs of installing mechanical insulation property with respect to a mechanical system referred to in paragraph (2)(A) which was originally placed in service not less than 1 year before the date on which such mechanical insulation property is installed.

“(2) MECHANICAL INSULATION PROPERTY.—The term ‘mechanical insulation property’ means insulation materials, and facings and accessory products installed in connection to such insulation materials—

“(A) placed in service in connection with a mechanical system which—

“(i) is located in the United States;

“(ii) is of a character subject to an allowance for depreciation; and

“(iii) meets the requirements of section 43.403 of the Code of Federal Regulations (as in effect on the date of enactment of this section),

“(B) which result in a reduction in energy loss from the mechanical system which is greater than the expected reduction from the installation of insulation materials which meet the minimum requirements of Reference Standard 90.1 (as so defined in section 179D(c)(3)(B));

“(c) WAGE AND APPRENTICESHIP REQUIREMENTS.—

“(1) IN GENERAL.—In the case of any project which meets the prevailing wage and apprenticeship requirements of this subsection, the amount of credit determined under subsection (a) shall be multiplied by 5.

“(2) WAGE REQUIREMENTS.—Rules similar to the rules of section 45(b)(7) shall apply.

“(3) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

“(d) MODIFICATION OF QUALIFIED ADVANCED ENERGY PROJECTS.—

“(1) INCLUSION OF WATER AS A RENEWABLE RESOURCE.—Section 48C(c)(1)(A)(ii)(I) is amended by inserting ‘water,’ after ‘sun,’.

“(2) ENERGY STORAGE SYSTEMS.—Section 48C(c)(1)(A)(ii)(II) is amended by striking ‘an energy storage system is in use with electric or hybrid-electric motor vehicles’ and inserting ‘energy storage systems and components’. 

“(c) MODIFICATION OF QUALIFYING ELECTRIC PROPULSION PROPERTY.—Section 48C(c)(1)(A)(iii)(I) is amended to read as follows:

“(1) electric grid modernization equipment or components;

“(2) USE OF CAPTURED CARBON.—Section 48C(c)(1)(A)(i)(IV) is amended by striking ‘sequester’ and insert ‘use’.

“(5) ELECTRIC VEHICLES AND VESSELS.—Section 48C(c)(1)(A)(ii)(VI) is amended—

“(A) by striking ‘newly qualified plug-in electric drive motor vehicle’ and inserting ‘newly qualified plug-in electric drive motor vehicle as defined by section 30D’; and

“(B) by inserting ‘and bicycles described in section 36C and 45Y, and inserting ‘45V, and’.

“(d) TERMINATION.—This section shall not apply to mechanical insulation labor costs paid or incurred after December 31, 2021.

(b) CREDIT ALLOWED AS PART OF GENERAL BUSINESS CREDIT.—Section 38(b), as amended by...
the preceding provisions of this Act, is further amended by striking "plus" at the end of paragraph (36), by striking the period at the end of paragraph (37) and inserting ", plus", and by adding the following new paragraph—

"(38) the mechanical insulation labor costs credit determined under section 452(a)."

(c) CONFORMING AMENDMENTS.—

(1) Section 280C is amended by adding at the end the following new subsection:

"(i) Mechanical insulation labor costs credit.—

"(1) GENERAL.—No deduction shall be allowed for that portion of the mechanical insulation labor costs (as defined in section 452(b)) otherwise allowable as deduction for the taxable year which is attributable to qualified labor services or other functions unrelated to manufacturing.

"(2) Elective payment of credit.—Section 452(a)(2)(B) is amended by striking "or" and inserting "and".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid or incurred after December 31, 2021, in taxable years ending after such date.

SEC. 136503. ADVANCED MANUFACTURING INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 48D the following new section:

"SEC. 48E. ADVANCED MANUFACTURING INVESTMENT CREDIT.—

"(a) IN GENERAL.—For purposes of section 46, the advanced manufacturing investment credit for any taxable year is an amount equal to the product of the sum of the credit determined for such taxable year with respect to any advanced manufacturing facility, the applicable percentage of the qualified investment for which the primary purpose is the manufacture of semiconductors or semiconductor tool equipment, the construction of such facility, satisfies the apprenticeship requirements, and the amount chargeable to capital account for any year during the 5-year period beginning on the date the facility is originally placed in service, the alteration or repair of such facility, shall be paid wages at rates not less than the prevailing rates for construction, alteration, or repair of a similar character in the locality as most recently determined by the Secretary of Labor, in accordance with subchapter IV of chapter 31 of title 40, United States Code.

"(b) APPLICABLE PERCENTAGE.—

"(1) In the case of any advanced manufacturing facility which does not satisfy the requirements described in clauses (i) and (ii) of paragraph (B), the applicable percentage shall be 10 percent.

"(2) ALTERNATIVE AMOUNT.—In the case of any advanced manufacturing facility which—

"(i) subject to subparagraph (B) of subsection (c)(2), satisfies the requirements under subparagraph (A) of such subsection, and

"(ii) with respect to the construction of such facility, satisfies the apprenticeship requirements described in clauses (i) and (ii) of paragraph (B), the applicable percentage shall be 25 percent.

"(b) QUALIFIED INVESTMENT.—

"(1) IN GENERAL.—For purposes of subsection (a)(1), the qualified investment with respect to any advanced manufacturing facility for any taxable year is the basis of any qualified property placed in service by the taxpayer during such taxable year which is part of an advanced manufacturing facility.

"(2) QUALIFIED PROPERTY.—

"(A) IN GENERAL.—For purposes of this subsection, 'qualified property' means property—

"(i) which is taxable property,

"(ii) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

"(iii) which is—

"(1) constructed, reconstructed, or erected by the taxpayer, or

"(2) acquired by the taxpayer if the original use of such property commences with the taxpayer.

"(3) for which the required gross investment is placed in service after December 31, 2021, and for any taxable year beginning after December 31, 2021, the requirements under subsection (a) are satisfied.

"(4) For purposes of this section, the term 'qualified property' includes any building or its structural components which otherwise satisfy the requirements under paragraph (37) and intersecting 'and', and

"(5) by adding at the end the following new clause:

"(viii) the basis of any qualified property (as defined in section 48E(b)(2)) which is part of an advanced manufacturing facility,.

"(c) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2021, and, for any property the construction of which begins prior to January 1, 2022, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2021.

SEC. 136504. ADVANCED MANUFACTURING PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by inserting at the end the following new section:

"SEC. 45AA. ADVANCED MANUFACTURING PRODUCTION CREDIT.—

"(a) IN GENERAL.—For purposes of section 46, the production credit for any taxable year is an amount equal to the sum of the credit amounts determined under section 45B(b) for any eligible component which otherwise satisfies the requirements under subsection (b) with respect to each eligible component which is—

"(A) produced by such taxpayer, and

"(B) during the taxable year, sold by the taxpayer to an unrelated person.

"(1) PRODUCTION AND SALE MUST BE IN TRADE OR BUSINESS.—Any eligible component produced and sold by the taxpayer during the taxable year is taken into account only if the production and sale described in paragraph (1) is in the course of such taxpayer's business of making automobile parts.

"(2) RELATABLE PERSON.—For purposes of this subsection, a related person shall be treated as a related person if such person is sold to such person by a person related to the taxpayer at any time during the taxable year.

"(3) CREDIT AMOUNT.—

"(A) IN GENERAL.—Subject to paragraph (3), the amount determined under this subsection with respect to any eligible component, including any eligible component it incorporates, shall be equal to—

"(i) the amount of the credit determined for any eligible component, or

"(ii) the amount of the credit determined for any component incorporated into such component, or

"(iii) which is—

"(4) Regulations and Guidance.—The Secretary shall issue such regulations or other guidance as the Secretary determines necessary or appropriate to carry out the purposes of this section, including regulations or other guidance which provides for record-keeping or information reporting for purposes of establishing the requirements of this section.

"(5) TERMINATION OF CREDIT.—The credit allowed under this section shall not apply to facilities or property the construction of which begins after December 31, 2021.

"(b) ELECTIVE PAYMENT OF CREDIT.—Section 461(b), as amended by the preceding provisions of this Act, is amended by adding at the end the following new paragraph:

"(10) The advanced manufacturing investment credit determined under section 48E.'".

(c) CONFORMING AMENDMENTS.—

(1) Section 46 is amended—

"(A) by striking "and" at the end of paragraph (4),

"(B) by striking the period at the end of paragraph (7) and inserting ", and", and

"(C) by adding at the end the following new paragraph:

"(11) The advanced manufacturing investment credit.'".

(2) Section 49(a)(1)(C) is amended—

"(A) by striking "and" at the end of clause (ii),

"(B) by striking the period at the end of clause (iv) and inserting ", and", and

"(C) by adding at the end the following new clause:

"(viii) the basis of any qualified property (as defined in section 48E(b)(2)) which is part of an advanced manufacturing facility,.

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to property placed in service after December 31, 2021, and, for any property the construction of which begins prior to January 1, 2022, only to the extent of the basis thereof attributable to the construction, reconstruction, or erection after December 31, 2021.
(i) 7 cents, multiplied by
(ii) the capacity of such module (expressed on a per direct current watt basis), and
(iii) in the case of a wind energy component, an amount determined under subsection (c) equal to—
(A) the applicable amount with respect to such component, multiplied by
(B) the phase out percentage under subparagraph (B).

(2) APPLICABLE AMOUNT.—For purposes of paragraph (1)(E), the applicable amount with respect to any wind energy component shall be—
(A) in the case of a blade, 2 cents,
(B) in the case of a nacelle, 5 cents,
(C) in the case of a tower, 3 cents, and
(D) in the case of an offshore wind foundation—
(i) which uses a fixed platform, 2 cents, or
(ii) which uses a floating platform, 4 cents.

(3) PHASE OUT.—
(A) IN GENERAL.—In the case of any eligible component sold after December 31, 2026, the amount determined under this subsection with respect to such component shall be equal to the product of
(i) the amount determined under paragraph (1) with respect to such component, as determined without regard to this paragraph, multiplied by
(ii) the phase out percentage under subparagraph (B).
(B) PHASE OUT PERCENTAGE.—The phase out percentage under this subparagraph is equal to—
(i) the amount determined under paragraph (1) with respect to such component, as determined under this subparagraph, multiplied by
(ii) the percentage under this subparagraph.

(3) WIND ENERGY COMPONENT.—
(A) In the case of a wind energy component, the term ‘wind energy component’ means any of the following:
(i) Blades.
(ii) Nacelles.
(iii) Towers.
(iv) Offshore wind foundations.
(B) ASSOCIATED DEFINITIONS.—
(i) BLADE.—The term ‘blade’ means an airfoil-shaped blade which is responsible for converting wind energy to low-speed rotational energy.
(ii) OFFSHORE WIND FOUNDATION.—The term ‘offshore wind foundation’ means the component which secures an offshore wind tower and any above-water turbine components to the seafloor.
(iii) SOLAR ENERGY COMPONENT.—
(A) THE UNITED STATES (WITHIN THE MEANING OF SECTION 638(1)), OR
(B) A POSSESSION OF THE UNITED STATES (WITHIN THE MEANING OF SECTION 638(2)).

(4) PHASE OUT.—
(A) ELIGIBLE COMPONENT.—
(i) any solar energy component, and
(ii) any wind energy component.

(B) APPLICATION WITH OTHER CREDITS.—The term ‘solar energy component’ means any property which is produced at a facility if the basis of any property which is part of such facility is taken into account for purposes of the credit determined under section 45(a)(4), determined in a manner consistent with section 7701(a)(46), for purposes of determining the amount of the credit under subsection (a) with respect to eligible components produced by such facility, the applicable amount under subsection (b) of such subsection shall be increased by an amount equal to 10 percent of the amount otherwise in effect under such subsection.

(C) QUALIFIED ENVIRONMENTAL PROGRAM CREDIT.—
For purposes of this section, the term ‘applicable percentage’ means—
(i) in the case of a program involving material participation of faculty and students of an educational institution as described in section 371(a) of the Higher Education Act of 1965, 30 percent, and
(ii) in all other cases, 15 percent.
(D) CARRIER OF UNUSED LIMITATION.—If the annual credit limitation for any calendar year exceeds the aggregate amount designated for such year under this subsection, such limitation for the succeeding calendar year shall be increased by the amount of such excess. No amount may be allocated under the preceding sentence to any calendar year after 2036.

(f) REQUIREMENTS.—

(1) IN GENERAL.—An eligible educational institution receiving an allocation of such programs under this section for a taxable year shall—

(A) make publicly available the application submitted to the Secretary under subsection (e) with respect to such project, and

(B) notify the report to the Secretary that describes the amounts paid or incurred for, and expected impact of, such project.

(2) FAILURE TO COMPLY.—In the case of an eligible educational institution that has failed to comply with the requirements of this subsection, the credit dollar amounts allocated to such institution under this section is deemed to be $0.

(g) AUTHORITY FOR ADVANCES.—The Secretary, upon making an allocation of credit dollar amounts under this section, shall publicly disclose—

(1) the identity of the eligible educational institution receiving the allocation, and

(2) the amount of such allocation.

(h) GROSS-UP OF PAYMENTS IN CASE OF SEQUESTRATION.—In the case of any payment made as a refund due to an overpayment as a result of section 36G of the Internal Revenue Code made after the date of the enactment of this Act to which sequestration applies, the amount of such payment shall be increased by an amount equal to—

(i) the amount, multiplied by

(ii) the cost-of-living adjustment determined under section 251(b)(2)(A) of the Internal Revenue Code for calendar year 2022.

(i) AUTHORITY FOR ADVANCES.—Section 4611(c)(2)(A) is amended by inserting “7.5 cents” in place of “7 cents”.

(j) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING.—The Hazardous Substance Superfund financing rate under this section shall apply after June 30, 2022.

(k) AVERAGE AMOUNT.—

(A) IN GENERAL.—For purposes of section 4611(c)(2)(A), the term ‘average amount’ means—

(i) the average amount of greenhouse gas emissions rate for any taxable year after December 31, 2026, and

(ii) the average amount of greenhouse gas emissions rate for any taxable year after December 31, 2026, and

(l) QUALIFIED FACILITY.—

(1) IN GENERAL.—

(A) DEFINITION.—Subject to paragraphs (b), (c), (d), and (e), the term ‘qualified facility’ means a facility owned by the taxpayer—

(ii) which is used for the generation of electricity,

(ii) the construction of which begins after December 31, 2026, and

(iii) for which the greenhouse gas emissions rate (as determined under paragraph (f)) is not greater than zero.

(2) 10-YEAR PRODUCTION CREDIT.—For purposes of this section, a facility shall only be treated as a qualified facility during the 10-year period beginning on the date the facility was originally placed in service.

(3) EXPANSION OF FACILITY, INCREMENTAL PRODUCTION.—The term ‘qualified facility’ shall include either of the following in connection with a facility described in subparagraph (A) (without regard to clause (ii) of such subparagraph) whose construction began before January 1, 2027, but only to the extent of the increased amount of electricity produced at the facility by reason of the following:

(ii) a new unit the construction of which begins after December 31, 2026.

(ii) any additions to the construction of which begins after December 31, 2026.

(2) APPLICATION OF HAZARDOUS SUBSTANCE SUPERFUND FINANCING.—The term ‘qualified facility’ shall not include any facility for which a credit determined under section 45, 45S, 45Q, 48, 48A, or 48P is allowed under section 38 for the taxable year or any prior taxable year.

(2) GREENHOUSE GAS EMISSIONS RATE.—

(A) IN GENERAL.—For purposes of this section, the term ‘greenhouse gas emissions rate’ means the amount of greenhouse gases emitted into the atmosphere by a facility in the production of electricity, expressed as grams of CO₂ per KWh.

(B) FUEL COMBUSTION AND GASIFICATION.—In the case of a facility which produces electricity through combustion or gasification, the greenhouse gas emissions rate for such facility shall be equal to the net rate of greenhouse gases emitted into the atmosphere by such facility (taking into account lifecycle greenhouse gas emissions, as described in section 221(h)(1)(B) of the Clean Air Act (42 U.S.C. 7545(o)(1)(B))) in the production of electricity, expressed as grams of CO₂ per KWh.

(2) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—

(A) IN GENERAL.—Subject to subsection (g)(7), in the case of any facility for which an emissions rate with respect to such facility is not determined by the Secretary, a tax payer who owns such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

(B) EMISSIONS RATES FOR FACILITIES.—

(C) EMISSIONS RATES FOR FACILITIES.—

(2) PUBLISHING EMISSIONS RATES.—The Secretary shall annually publish a table that sets forth the greenhouse gas emissions rates for types or categories of facilities, which a taxpayer shall use for purposes of this section.

(2) PROVISONAL EMISSIONS RATE.—In the case of any facility for which an emissions rate has not been established by the Secretary, a taxpayer owning such facility may file a petition with the Secretary for determination of the emissions rate with respect to such facility.

(2) CARBON CAPTURE AND SEQUESTRATION EQUIPMENT.—For purposes of this section, a reduction in the greenhouse gases emitted into the atmosphere by a facility in the production of electricity shall not include any qualified carbon dioxide that is captured by the taxpayer and

(i) pursuant to any regulations established under paragraph (2) of section 45Q(f), disposed
(ii) utilized by the taxpayer in a manner described in paragraph (3) of such section.

(1) IN GENERAL.—In the case of a calendar year beginning after 2021, the 0.3 cent amount in paragraph (2)(A) of such subsection shall be increased by a dollar amount determined by dividing—

(A) the amount of greenhouse gas emissions from electricity production in the United States for the calendar year described in such paragraph by the GDP implicit price deflator for the preceding calendar year, and

(B) the product of such dollar amount by a fraction the numerator of which is the GDP implicit price deflator for the calendar year 1992 and the denominator of which is the GDP implicit price deflator for the calendar year described in such paragraph.

(2) ANNUAL COMPUTATION.—The Secretary shall, not later than April 1 of each calendar year, determine and publish in the Federal Register the inflation adjustment factor for such calendar year in accordance with this subsection.

(3) INFLATION ADJUSTMENT FACTOR.—The term 'inflation adjustment factor' means, with respect to a calendar year, a fraction the numerator of which is the GDP implicit price deflator for the calendar year described in such paragraph and the denominator of which is the GDP implicit price deflator for the calendar year 1992.

(4) Rounding.—If the amount determined under this section is not a multiple of 0.05 cent, such amount shall be rounded to the nearest 0.05 cent. If the amount determined under this section is a multiple of 0.05 cent, such amount shall be rounded to the nearest 0.1 cent.

(5) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, production of electricity from the facility shall be allocated among such persons if such electricity is sold to such a person by another member of such group.

(6) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—(A) ELECTRICITY.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by such patrons during the taxable year.

(B) NURSERY.—The amount of any credit apportioned to any patrons under subparagraph (A) shall be included in the amount determined under subsection (a) with respect to the organization for the taxable year.

(7) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year, and once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written statement mailed to its patrons no later than the payment period described in section 6322(d).

(8) TREATMENT OF ORGANIZATIONS AND PARTNERS.—The amount determined under this section shall be included in the amount determined under subsection (a) for the taxable year of each patron ending on or after the last day on which the patron receives notice from the cooperative of the apportionment.

(9) SPECIAL RULES FOR INCREASE IN CREDITS FOR TAXABLE YEAR.—If the credit of a cooperative organization determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

(i) such reduction, over

(ii) the amount not apportioned to such patrons under paragraph (4) for the taxable year

shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall not be treated as tax imposed by this chapter for purposes of determining the amount of any credit under this chapter.

(10) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term 'eligible cooperative' means a cooperative organization described in section 1381(a), which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(11) INCREASE IN CREDIT IN CERTAIN CASES.—(A) ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under this chapter on the organization, such increase shall be treated as an increase in tax imposed by this chapter.

(B) PERMANENT PAVINGTx REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

(12) THE CLEAN ELECTRICITY PRODUCTION CREDIT—(A) ELECTRICITY PRODUCED.—(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by such patrons during the taxable year.

(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year, and once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written statement mailed to its patrons no later than the payment period described in section 6322(d).

(B) TREATMENT OF ORGANIZATIONS AND PARTNERS.—The amount determined under this section shall be included in the amount determined under subsection (a) with respect to the organization for the taxable year.

(C) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—(i) ELECTRICITY.—(A) ELECTRICITY.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by such patrons during the taxable year.

(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year, and once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written statement mailed to its patrons no later than the payment period described in section 6322(d).

(D) TREATMENT OF ORGANIZATIONS AND PARTNERS.—The amount determined under this section shall be included in the amount determined under subsection (a) with respect to the organization for the taxable year.

(E) SPECIAL RULES.—(i) IN GENERAL.—For purposes of this subsection, the term 'eligible cooperative' means an eligible cooperative organization described in section 1381(a), which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(F) INCREASE IN CREDIT IN CERTAIN CASES.—(A) ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under this chapter on the organization, such increase shall be treated as an increase in tax imposed by this chapter.

(B) PERMANENT PAVINGTx REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

(C) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—(i) ELECTRICITY.—(A) ELECTRICITY.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by such patrons during the taxable year.

(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year, and once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written statement mailed to its patrons no later than the payment period described in section 6322(d).

(D) TREATMENT OF ORGANIZATIONS AND PARTNERS.—The amount determined under this section shall be included in the amount determined under subsection (a) with respect to the organization for the taxable year.

(E) SPECIAL RULES.—(i) IN GENERAL.—For purposes of this subsection, the term 'eligible cooperative' means an eligible cooperative organization described in section 1381(a), which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(F) INCREASE IN CREDIT IN CERTAIN CASES.—(A) ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under this chapter on the organization, such increase shall be treated as an increase in tax imposed by this chapter.

(B) PERMANENT PAVINGTx REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

(C) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—(i) ELECTRICITY.—(A) ELECTRICITY.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by such patrons during the taxable year.

(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year, and once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written statement mailed to its patrons no later than the payment period described in section 6322(d).

(D) TREATMENT OF ORGANIZATIONS AND PARTNERS.—The amount determined under this section shall be included in the amount determined under subsection (a) with respect to the organization for the taxable year.

(E) SPECIAL RULES.—(i) IN GENERAL.—For purposes of this subsection, the term 'eligible cooperative' means an eligible cooperative organization described in section 1381(a), which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(F) INCREASE IN CREDIT IN CERTAIN CASES.—(A) ENERGY COMMUNITIES.—In the case of any qualified facility which is located in an energy community (as defined in section 45(b)(11)(B)), for purposes of determining the amount of the credit under this chapter on the organization, such increase shall be treated as an increase in tax imposed by this chapter.

(B) PERMANENT PAVINGTx REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

(C) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—(i) ELECTRICITY.—(A) ELECTRICITY.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of business done by such patrons during the taxable year.

(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year, and once made, shall be irrevocable for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written statement mailed to its patrons no later than the payment period described in section 6322(d).

(D) TREATMENT OF ORGANIZATIONS AND PARTNERS.—The amount determined under this section shall be included in the amount determined under subsection (a) with respect to the organization for the taxable year.

(E) SPECIAL RULES.—(i) IN GENERAL.—For purposes of this subsection, the term 'eligible cooperative' means an eligible cooperative organization described in section 1381(a), which is owned more than 50 percent by agricultural producers or by entities owned by agricultural producers. For this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.
amended by adding at the end the following new subparagraph:

“(D) CLEAN ELECTRICITY PRODUCTION CREDIT.—In the case of any qualified investment with respect to any qualified facility for which depreciation (or amortization in lieu of depreciation) is applicable, and

(2) The table of sections for subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following new section:

“SEC. 136802. CLEAN ELECTRICITY INVESTMENT CREDIT.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 is amended by inserting after section 46E the following new section:

“SEC. 48F. CLEAN ELECTRICITY INVESTMENT CREDIT.

“(a) INVESTMENT CREDIT FOR QUALIFIED PROPERTY.—

“(I) IN GENERAL.—For purposes of section 46, the clean electricity investment credit for any taxable year is an amount equal to the applicable percentage of the qualified investment for such taxable year with respect to

“(A) any qualified facility, and

“(B) any grid improvement property.

“(II) APPLICABLE PERCENTAGE.—

“(A) QUALIFIED FACILITIES.—Subject to paragraph (3),

“(i) BASE RATE.—In the case of any qualified facility which is not described in clause (I) of clause (ii) of such paragraph, the applicable percentage shall be 6 percent.

“(ii) ALTERNATIVE RATE.—In the case of any qualified facility which has a maximum net output of less than 1 megawatt, or

“(II) which—

“(A) satisfies the requirements of subsection (d)(3), and

“(B) with respect to the construction of such facility, satisfies the requirements of subsection (d)(4),

the applicable percentage shall be 30 percent.

“(B) GRID IMPROVEMENT PROPERTY.—

“(I) BASE RATE.—In the case of any grid improvement property which is not described in clause (I) of clause (ii) of such paragraph, the applicable percentage shall be 6 percent.

“(II) ALTERNATIVE RATE.—In the case of any grid improvement property—

“(I) which is energy storage property with a capacity of less than 1 megawatt, or

“(II) which—

“(A) satisfies the requirements of subsection (d)(3), and

“(B) with respect to the construction of such property, satisfies rules similar to the rules of section 45(b)(8),

the applicable percentage shall be 30 percent.

“(3) INCREASE IN CREDIT RATE IN CERTAIN CASES.

“(A) ENERGY COMMUNITIES.—

“(I) IN GENERAL.—In the case of any qualified investment with respect to a qualified facility or grid improvement property which is placed in service within an energy community (as defined in section 45(b)(11)), for purposes applying paragraph (2) with respect to such property or investment, the applicable percentage shall be increased by the applicable credit rate increase.

“(II) APPLICABLE CREDIT RATE INCREASE.—For purposes of clause (i), the applicable credit rate increase shall be an amount equal to—

“(I) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(i) or with respect to grid improvement property described in paragraph (2)(B)(i), 10 percentage points, and

“(II) in the case of any qualified investment with respect to a qualified facility described in paragraph (2)(A)(ii) or with respect to grid improvement property described in paragraph (2)(B)(ii), 10 percentage points.

“(B) DOMESTIC CONTENT.—For purposes of this section, the terms ‘CO2e per KWh’ and ‘greenhouse gas emissions rate’ have the same meaning given such terms under section 48(a)(12).

“(C) QUALIFIED INVESTMENT WITH RESPECT TO GRID IMPROVEMENT PROPERTY.—

“(I) IN GENERAL.—

“(A) QUALIFIED INVESTMENT.—For purposes of subsection (a), the qualified investment with respect to grid improvement property for any taxable year is the basis of any grid improvement property placed in service by the taxpayer during such taxable year.

“(B) GRID IMPROVEMENT PROPERTY.—For purposes of this section, the term ‘grid improvement property’ means any energy storage property.

“(C) ENERGY STORAGE PROPERTY.—For purposes of this section, the term ‘energy storage property’ has the meaning given such term in section 48(c)(6).

“(D) SPECIAL RULES.—

“(I) CERTAIN PROGRESS EXPENDITURE RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the date before the date of the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of subsection (a).

“(II) SPECIAL RULE FOR PROPERTY FINANCED BY SUBSIDIZED ENERGY FINANCING OR PRIVATE ACTIVITY BONDS.—Rules similar to the rules of section 45(b)(3) shall apply.

“(E) PROVING WELL REQUIREMENTS.—Rules similar to the rules of section 48(a)(10) shall apply.

“(F) APPRENTICESHIP REQUIREMENTS.—Rules similar to the rules of section 45(b)(8) shall apply.

“(G) DOMESTIC CONTENT REQUIREMENT FOR ELECTIVE PAYMENT.—Rules similar to the rules of section 45(b)(10) shall apply.

“(H) CREDIT PHASE-OUT.—

“(I) IN GENERAL.—The amount of the clean electricity investment credit under subsection (a) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during a calendar year described in paragraph (2) shall be equal to the product of—

“(A) the amount of the credit determined under subsection (a) without regard to this subsection, multiplied by

“(B) the phase-out percentage under paragraph (2).

“(J) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

“(A) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during the first calendar year following the applicable year, 100 percent,

“(B) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during the second calendar year following the applicable year, 75 percent,
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“(C) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during the third calendar year following the applicable year, is amended by adding at the end the following new paragraph:

“(D) for any qualified investment with respect to any qualified facility or grid improvement property the construction of which begins during any calendar year described in subparagraph (C), 0 percent.

“(3) APPLICABLE YEAR.—For purposes of this subsection, the term ‘applicable year’ has the same meaning given such term in section 45BB(d)(3).

“(4) QUALIFIED LOW-INCOME GAS.—In this section, the term ‘qualified low-income gas facility’ means any qualified low-income gas facility as defined in section 45BB(e)(2).

“(a) RECAPTURE OF CREDIT.—For purposes of section 48(e), section 50(a)(2)(E), and section 46, if the Secretary determines that the greenhouse gas emissions rate of a qualified gas facility is greater than 10 grams of CO2e per KWh, any property for which a credit was allowed under this section with respect to such facility shall cease to be investment credit property in the taxable year in which the determination is made.

“(b) ELECTIVE PAYMENT OF CREDIT.—Section 46(a) is amended by adding at the end the following new subparagraph:

“(D) the clean electric investment credit determined under section 48F.

“(b) CONFORMING AMENDMENTS.—(1) Section 46 is amended—

“(A) by striking “and” at the end of paragraph (5),

“(B) by striking the period at the end of paragraph (6) and inserting “, and”, and

“(C) by adding at the end the following new paragraph:

“(7) the clean electric investment credit.

“(2) Section 50(a)(2)(E) is amended by striking “(8)”, and

“(A) by striking “and” at the end of clause (ii),

“(B) by striking the period at the end of clause (iv) and inserting “, and”, and

“(C) by adding at the end the following new clauses:

“(iv) the basis of any qualified property which is part of a qualified facility under section 48F, and

“(v) the basis of any energy storage property under section 48(e).

“(C) LIMITATION.—Any credit allowed under subsection (a) by reason of this subsection for any property which is part of such qualified facility shall not exceed the amount which bears the same ratio to the amount of such increase (determined without regard to this subparagraph) as—

“(i) the environmental justice capacity limitation allocated to such facility, bears to the total megawatt nameplate capacity of such facility, as measured in direct current.

“(2) QUALIFIED FACILITY.—For purposes of this subsection:

“(A) IN GENERAL.—The term ‘qualified facility’ means any facility—

“(i) which is described in subparagraph (B)(1) or (2) and not described in section 45BB(b)(2)(B),

“(ii) which has a maximum net output of less than 5 megawatts, and

“(iii) which—

“(I) is located in a low-income community (as defined in section 45(e)(6)) or on Indian land (as defined in section 2601(2) of the Energy Policy Act of 1992 (25 U.S.C. 3501(2))) or

“(II) is part of a qualified low-income residential building project or a qualified low-income economic benefit project.

“(B) QUALIFIED LOW-INCOME RESIDENTIAL BUILDING PROJECT.—A facility shall be treated as part of a qualified low-income residential building project if—

“(i) such facility is installed on a residential rental building which participates in a covered housing program (as defined in section 4103(a) of the Violence Against Women Act of 1994 (34 U.S.C. 12214(a))), a Housing Development Fund Corporation cooperative under Article XI of the New York State Private Housing Finance Law, a housing assistance program administered by the Department of Agriculture under title V of the Housing Act of 1949, a housing program administered by a tribe as a housing entity (as defined in section 42(h) of the Native American Housing and Self-Determination Act of 1996 (25 U.S.C. 4103(22))) or other affordable housing programs as the Secretary may provide, and

“(ii) the financial benefits of the electricity produced by such facility are allocated equitably among the occupants of the dwelling units of such building.

“(C) QUALIFIED LOW-INCOME ECONOMIC BENEFIT PROJECT.—A facility shall be treated as part of a qualified low-income economic benefit project if at least 50 percent of the financial benefits of the electricity produced by such facility are provided to households with income of—

“(i) less than 200 percent of the poverty line applicable to a family of the size involved, or

“(ii) less than 80 percent of area median gross income (as determined under section 46(h)(3)(B)(i)).

“(D) FINANCIAL BENEFIT.—For purposes of subparagraphs (B) and (C), electricity acquired at a below-market rate shall not fail to be taken into account as reasonably described in the section ‘eligible property’. The term ‘qualified low-income economic benefit project’ is defined in section 46(h)(2).

“(E) PLACED IN SERVICE DEADLINE.—(1) IN GENERAL.—The Secretary shall, upon making an allocation of environmental justice capacity limitation under this paragraph, the Secretary shall take into consideration which facilities will result in—

“(i) the greatest health and economic benefits, including the ability to withstand extreme weather events, for individuals described in section 45BB(e)(2),

“(ii) the greatest employment and wages for such individuals, and

“(iii) the greatest engagement with, outreach to, or ownership by, such individuals, including the Secretary’s partnerships with community-based organizations, an Indian tribal government (as defined in section 48(e)(4)(F)(i)), or any Alaska Native Corporation (as defined in section 50(a) of the Alaska Native Claims Settlement Act (43 U.S.C. 1602(m))).

“(G) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making an allocation of environmental justice capacity limitation under this paragraph, publicly disclose the identity of the applicant, the amount of the environmental justice capacity limitation allocated to such applicant, and the location of the facility for which such allocation is made.

“(2) RECAPTURE.—(A) The Secretary shall, by regulations, provide for recapture of the credit allowed under subsection (a) by reason of this subsection with respect to any property which ceases to be property eligible for such increase (but which does not cease to be investment credit property within the meaning of section 59(a)).

“(b) The period and percentage of such recapture shall be determined under rules similar to the rules applying to the recapture of credits allowed under the Secretary, such recapture may not apply with respect to any property if, within 12 months after the date the taxpayer becomes aware (or reasonably should have become aware) of such property ceasing to be property eligible for such increase, the eligibility of such
property for such increase is restored. The preceding sentence shall not apply more than once with respect to any facility.

(b) EFFECTIVE DATE.—The amendments made by this section shall take effect on January 1, 2027.

SEC. 158004. COST RECOVERY FOR QUALIFIED FACILITIES, QUALIFIED PROPERTY, AND GRID IMPROVEMENT PROPERTY.

(a) IN GENERAL.—Section 168(c)(3)(B) is amended—

(1) in clause (vi)(III), by striking “and” at the end, (in clause (vi)(i) by striking the period at the end and inserting “, and”, and

(3) by inserting after clause (vii) the following:

“(viii) any qualified facility (as defined in section 45BB(b)(1)(A)), any qualified property (as defined in subsection (b)(2) of section 48F) which is a qualified investment (as defined in subsection (b)(1) of such section), or any grid improvement property (as defined in subsection (c)(1)(B) of such section).”;

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to facilities and property placed in service after December 31, 2026.

SEC. 158005. CLEAN FUEL PRODUCTION CREDIT.

(a) IN GENERAL.—Subpart D of part IV of subchapter A of chapter 1 is amended by adding at the end the following:

“SEC. 45CC. CLEAN FUEL PRODUCTION CREDIT.

“(a) AMOUNT OF CREDIT.—

“(1) IN GENERAL.—For purposes of section 38, the clean fuel production credit for any taxable year is an amount equal to the product of—

“(A) the applicable amount per gallon (or gallon equivalent) with respect to any transportation fuel which is—

“(i) produced by the taxpayer at a qualified facility, and

“(ii) sold by the taxpayer in a manner described in paragraph (4) during the taxable year, and

“(B) the emissions factor for such fuel (as determined under subsection (b)).

“(2) APPLICABLE AMOUNT.—

“(A) BASE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which does not satisfy the requirements described in subparagraph (B), the applicable amount shall be 20 cents.

“(B) ALTERNATIVE AMOUNT.—In the case of any transportation fuel produced at a qualified facility which satisfies the requirements described in subparagraphs (6) and (7) of subsection (g), the applicable amount shall be $1.00.

“(C) SPECIAL RATE FOR SUSTAINABLE AVIATION FUEL.—

“(I) IN GENERAL.—In the case of a transportation fuel which is sustainable aviation fuel, paragraph (2) shall be applied—

“(i) in the case of a transportation fuel produced at a qualified facility described in paragraph (2)(A), by substituting ‘35 cents’ for ‘20 cents’;

“(ii) in the case of a transportation fuel produced at a qualified facility which satisfies the requirements described in subparagraph (B), the applicable amount shall be $1.00.

“(II) ALTERNATIVE FUEL.—For purposes of this subsection, the term ‘sustainable aviation fuel’ means liquid fuel which is sold for use in an aircraft and which—

“(A) is suitable for use as a fuel in a highway transportation vehicle;

“(B) is not derived from palm fatty acid distillates or petroleum.

“(D) SALE.—For purposes of paragraph (1), the term ‘transportation fuel’ includes a manner described in this paragraph if such fuel is sold by the taxpayer to an unrelated person—

“(A) for use by such person in the production of a fuel mixture, or

“(B) for use by such person in a trade or business, or

“(C) who sells such fuel at retail to another person and places such fuel in the fuel tank of such other person.

“(2) ROUNDING.—If any amount determined under paragraph (1) is not a multiple of 0.1 cent, such amount shall be rounded to the nearest multiple of 0.1 cent.

“(b) EMISSIONS FACTORS.—

“(1) EMISION FACTOR.—

“(A) AVERAGE FACTOR.—

“(I) IN GENERAL.—The emissions factor of a transportation fuel shall be an amount equal to the quotient of—

“(I) an amount equal to—

“(aa) 100 kilograms of CO\textsubscript{2}e per mmBTU, minus

“(bb) the emissions rate for such fuel, divided by

“(II) 50 kilograms of CO\textsubscript{2}e per mmBTU.

“(B) INCREASE IN EMISSIONS RATE.—

“(i) In paragraph (2)(A), by substituting ‘35 cents’ for ‘20 cents’.

“(ii) In paragraph (2)(B), for any taxable year beginning in the third calendar year following the applicable year, such factor shall be increased by—

“(A) one of the following credits is allowed under section 45BB(c), determined by substituting ‘calendar year 2021’ for ‘calendar year 1992’ in paragraph (3) thereof.

“(B) CREDIT PHASE-OUT.—

“(i) In general.—For purposes of the clean fuel production credit under subsection (a) for any transportation fuel sold during a taxable year described in paragraph (2) shall be equal to the product of—

“(A) the amount of the credit determined under subsection (a) without regard to this subparagraph, multiplied by

“(B) the phase-out percentage under paragraph (2).

“(ii) PHASE-OUT PERCENTAGE.—The phase-out percentage under this paragraph is equal to—

“(A) for any taxable year beginning in the first calendar year following the applicable year, 100 percent,

“(B) for any taxable year beginning in the second calendar year following the applicable year, 75 percent, and

“(C) for any taxable year beginning in the third calendar year following the applicable year, 50 percent, and

“(D) for any taxable year beginning in any calendar year subsequent to the calendar year described in subparagraph (a) of paragraph (2), the phase-out percentage is equal to—

“(E) APPLICABLE YEAR.—For purposes of this subsection, the term ‘applicable year’ means the later of—

“(I) the calendar year in which the Secretary determines that the greenhouse gas emissions from the transportation of persons and goods annually in the United States is equal or less than 25 percent of the greenhouse gas emissions from the transportation of persons and goods in the United States during calendar year 2021, or

“(II) 2021.

“(f) DEFINITIONS.—In this section:

“(1) mmBTU.—The term ‘mmBTU’ means 1,000,000 British thermal units.

“(2) CO\textsubscript{2}e.—The term ‘CO\textsubscript{2}e’ means, with respect to any greenhouse gas, the equivalent carbon dioxide (as determined based on relative global warming potential).

“(3) GREENHOUSE GAS.—The term ‘greenhouse gas’ has the same meaning given that term under section 211(o)(1)(G) of the Clean Air Act (42 U.S.C. 7545(o)(1)(H)), as in effect on the date of the enactment of this section.

“(g) QUALIFIED FACILITY.—The term ‘qualified facility’ means a facility used for the production of transportation fuels.

“(h) does not include any facility for which one of the following credits is allowed under section 45B for the taxable year

“(i) the credit for production of clean hydrogen under section 45X.

“(ii) the credit for clean hydrogen production facilities under section 48(f)(6).

“(iii) the credit for carbon oxide sequestration under section 45Q.

“(i) THE TRANSPORTATION FUEL.—The term ‘transportation fuel’ means—

“(A) for use as fuel in an aircraft, or

“(B) for use as fuel in a highway transportation vehicle.

“(b) has an emissions rate which is not greater than—

“(c) in the case of a fuel which is not a sustainable aviation fuel—

“(I) for any fuel sold during calendar years 2027 through 2030, 50 kilograms of CO\textsubscript{2}e per mmBTU, and

“(II) for any such fuel sold during any calendar year beginning after December 31, 2030, 25 kilograms of CO\textsubscript{2}e per mmBTU.

“(d) for any fuel which is a sustainable aviation fuel—

“(I) for any such fuel sold during calendar year 2021, or

“(II) for any such fuel sold during any calendar year beginning after December 31, 2021, 50 kilograms of CO\textsubscript{2}e per mmBTU.

“(e) is not hydrogen fuel, and

“(f) is not hydrogen fuel, and
ignates the apportionment as such in a written election under clause (i) for any taxable year such fuel is sold to such a person by another treated as selling fuel to an unrelated person if an affiliated group of corporations filing a con-

The case of a corporation which is a member of the production, and

(ii) such fuel is produced in the United States.

(B) UNITED STATES.—For purposes of this paragraph, the term ‘United States’ includes any possession of the United States.

(2) TREATABLE TO THE TAX-
PAYER.—In the case of a facility in which more than 1 person has an ownership interest, except to the extent provided in regulations prescribed by the Secretary, production from the facility shall be allocated among such persons in proportion to their respective ownership interests in the facility.

(3) RELATED PERSONS.—Persons shall be treated as related to each other if such persons would be treated as a single employer under the regulations prescribed under subsection (2). In the case of a corporation which is a member of an affiliated group of corporations filing a consolidated return, such corporation shall be treated as selling fuel to an unrelated person if such corporation or any other member of such group.

(4) PASS-THRU IN THE CASE OF ESTATES AND TRUSTS.—Under regulations prescribed by the Secretary, rules similar to the rules of section 52 shall apply.

(5) ALLOCATION OF CREDIT TO PATRONS OF AGRICULTURAL COOPERATIVE.—

(A) ELECTION TO ALLOCATE.—

(i) IN GENERAL.—In the case of an eligible cooperative organization, any portion of the credit determined under subsection (a) for the taxable year may, at the election of the organization, be apportioned among patrons of the organization on the basis of the amount of credit deemed to be produced by the facility.

(ii) FORM AND EFFECT OF ELECTION.—An election under clause (i) for any taxable year shall be made on a timely filed return for such year. Each election, once made, shall be irrev-

iscible for such taxable year. Such election shall not take effect unless the organization designates the apportionment as such in a written notice to its patrons during the payment period described in section 1382(d).

(1) TREATMENT OF ORGANIZATIONS AND PATRONS OF THE CREDIT ALLOWED TO THE AGRICULTURAL COOPERATIVE.—

(i) shall not be included in the amount determined under subsection (a) with respect to the organization for the taxable year, and

(ii) shall be included in the amount determined under subsection (a) for the first taxable year of each patron ending on or after the last day of the period described in section 1382(d) for the taxable year of the organization or, if earlier, for the taxable year of each patron ending on or after the date on which the patron received notice from the cooperative of the apportion-

(C) SPECIAL RULES FOR DECREASE IN CREDITS FOR TAXABLE YEAR.—If the amount of the credit determined under subsection (a) for a taxable year is less than the amount of such credit shown on the return of the cooperative organization for such year, an amount equal to the excess of—

(i) such reduction, over

(ii) the amount not apportioned to such pa-

trons under subparagraph (A) for the taxable year, shall be treated as an increase in tax imposed by this chapter on the organization. Such increase shall be treated as arising in this chapter for purposes of determining the amount of any credit under this chapter.

(D) ELIGIBLE COOPERATIVE DEFINED.—For purposes of this section, the term ‘eligible coopera-
tive’ means a cooperative organization de-

scribed in section 1381(a) which is owned more than 50 percent by agricultural producers or by entities owned by such persons, for this purpose an entity owned by an agricultural producer is one that is more than 50 percent owned by agricultural producers.

(E) PREVAILING WAGE REQUIREMENTS.—

(A) IN GENERAL.—Subject to subsection (B), rules similar to the rules of section 45(b)(7)(A) and clauses (i) through (iv) of sec-

tion 45(b)(7)(B) shall apply.

(B) SPECIAL RULE FOR FACILITIES PLACED IN SERVICE BEFORE JANUARY 1, 2007.—In the case of any qualified facility placed in service before January 1, 2007, due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

(II) ARRANGEMENTS TO TAKE INDIVIDUAL INTO ACCOUNT MORE THAN ONCE.—For purposes of this subparagraph, a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected another taxpayer to take such individual into account in determining the credit al-

lowed under this section for the taxable year.”.

(b) RULES RELATING TO RECONCILIATION OF CREDIT TO ADVANCE CREDIT.—Section 45(jj) is amended by adding at the end the following new paragraph:

(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an advance payment made under section 7527A with respect to a joint return, half of such payment shall be treated as having been made to each individual filing such return.

(4) COORDINATION WITH POSSESSIONS OF THE UNITED STATES.—For purposes of this subsection, payments made under section 7527A in-clude payments made under section 7527A of the income tax law of such jurisdiction, and advance payments made by American Samoa under a plan for the taxable year and the Secretary shall be considered to be made to a section or other provision of the Internal Revenue Code of the United States.

PART 1—CHILD TAX CREDIT

SEC. 137101. MODIFICATIONS APPLICABLE BEGINN-
ING IN 2021.

(a) SAFE HARBOR EXCERPT FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULA-

TIONS.—Section 24(j)(2)(B) is amended—

(1) by striking “qualified” each place it ap-

pears in clause (i)(II) and inserting “qualific-

ed” each place it appears;

(2) by adding at the end the following new clause:

“(ii) EXCEPTION FOR FRAUD AND INTENTIONAL DISREGARD OF RULES AND REGULATIONS.—

(I) IN GENERAL.—For purposes of deter-

mining the safe harbor amount under clause (iv) with respect to any taxpayer, any individual shall not be treated as taken into account in de-

termining the annual advance amount of such taxpayer if the Secretary determines that such individual was involved in fraud or due to fraud by the taxpayer or intentional disregard of rules and regulations by the taxpayer.

(II) DISCLOSURE OF INFORMATION RELATING TO THE PAYMENT OF THE CREDIT.—For purposes of this subparagraph, a taxpayer shall not fail to be treated as intentionally disregarding rules and regulations with respect to any individual taken into account in determining the annual advance amount of such taxpayer if such taxpayer entered into a plan or other arrangement with, or expected another taxpayer to take such individual into account in determining the credit al-

lowed under this section for the taxable year.”.

(c) AMENDMENTS TO REGULATIONS REQUIRING DISCLOSURE OF INFORMATION.—Subsection (d) of section 7527A of the Internal Revenue Code of 1986 is amended by striking “four weeks” each place it appears and inserting “eight weeks”.

(2) by amending at the end the following new paragraphs:

(3) JOINT RETURNS.—Except as otherwise provided by the Secretary, in the case of an ad-


CHILD TAX CREDIT.—In the case of an individual to whom the Secretary makes payments under section 7527A, if the reference taxable year (as defined in section 7527A(b)(2)) that the Secretary uses to calculate such program C of the table referred to in subparagraph (C) of section 7527A(b)(1)(C) is later than 2021, the individual’s eligibility for such payment, including information regarding any refundable credit otherwise available under this section for such taxable year, is determined—

(A) The number of specified children, including by reason of the birth of a child.
(B) The name and TIN of specified children.
(C) Marital status.

(1) "(D) Modified adjusted gross income.
(2) "(E) Principal place of abode.
(3) "(F) Any other factor which the Secretary may provide pursuant to section 7527A(c)."

(e) EFFECTIVE DATE.—

(1) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2020.

(2) IN GENERAL.—Section 7527A(b)(3), as amended by section 24(h)(1), is amended by striking "2022, see subsection (l)."

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2021.

SEC. 137102. EXTENSIONS AND MODIFICATIONS APPLICABLE BEGINNING IN 2022.

(a) EXTENSIONS.—

(1) EXTENSION OF CHILD TAX CREDIT.—Section 24(h) is amended—

(A) by striking "January 1, 2022" in the matter preceding paragraph (1) and inserting "January 1, 2023"; and

(B) by inserting "and 2022" after "2021" in the heading thereof.

(2) PROVISIONS RELATED TO JOINT FILING AND ADVANCE PAYMENT OF CHILD TAX CREDIT.—The amendments made by subsection (d) shall take effect on the date of enactment of this Act.

(b) MODIFICATIONS.—

(1) EXTENSION OF PROVISIONS RELATED TO POSSESSIONS OF THE UNITED STATES.—

(A) Section 24(k)(2)(B) is amended—

(i) by striking "December 31, 2021" in the matter preceding subsection (A) and inserting "December 31, 2022"; and

(ii) by striking "2022" in the matter preceding subsection (C) and inserting "2023"; and

(B) the heading of section 24(k)(2)(A) is amended by inserting "AND 2022" after "2021".

(2) TENSION AND MODIFICATION OF ADVANCE PAYMENT.—

(I) IN GENERAL.—Section 7527A is amended—

(a) in subsection (b)(3)(C), by striking "50 percent of"; and

(b) in subsection (c)(4)(C), by inserting "or "2022" after "2021".

(C) in subsection (f), by striking "December 31, 2021" and inserting "December 31, 2022".

(2) MONTHLY PAYMENTS.—

(A) IN GENERAL.—Section 7527A(a) is amended to read as follows:

"(A)...

(B) MODIFICATIONS DURING CALENDAR YEAR.—

Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended—

(i) by amending subparagraph (A)(iii) to read as follows:

"(ii) any other information provided, or known, to the Secretary which allows the Secretary to more accurately estimate the amount treated as the annual advance amount with respect to the taxpayer under section 7527A with respect to December 31, 2022, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 7212) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 931(a)) for such taxable year—"

(ii)...

(c) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—

Section 24(k)(2)(B) is amended—

(i) by striking "December 31, 2021" in the matter preceding subparagraph (A)(i) and inserting "December 31, 2022"; and

(ii) in subclause (II), by striking "December 31, 2021" in the matter preceding subparagraph (A)(ii) and inserting "December 31, 2022".

(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR 2022.—Section 7527A(c)(4) is amended—

(A) in subparagraph (A), by striking "the advance" and inserting "Except as provided in subparagraph (D), the advance"; and

(B) by adding at the end the following new subparagraph:

"(D) ADVANCE PAYMENTS TO PUERTO RICO RESIDENTS FOR 2022.—For the period beginning on July 1, 2022, and ending on December 31, 2022, the Secretary may provide—

(i) an amount equal to the product of $3,600 multiplied by the excess (if any) of the number of qualifying children who have not attained age 6 as of the close of the calendar year in which the taxable year of the taxpayer begins, and who are taken into account by reason of paragraph (2)(A)(i) or subsection (c) if the taxpayer receives one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.''

"(E) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 7527A(e)(4) is amended—

(A) in subparagraph (A), by striking "The modified adjusted gross income of the taxpayer for the reference taxable year exceeds the applicable threshold amount" and inserting "the modified adjusted gross income of the taxpayer for the taxable year of the taxpayer begins, and who are taken into account by reason of paragraph (2)(A)(i) or subsection (c) if the taxpayer receives one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.''

"(B) MODIFICATIONS DURING CALENDAR YEAR.—

Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended to read as follows:

"(B)...

(c) ELECTION TO APPLY INCOME PHASEOUT ON BASIS OF INCOME FROM THE PRECEDING TAXABLE YEAR.—Section 7527A(e)(4) is amended—

(A) in subparagraph (A), by striking "The modified adjusted gross income of the taxpayer for the taxable year of the taxpayer begins, and who are taken into account by reason of paragraph (2)(A)(i) or subsection (c) if the taxpayer receives one or more payments under subsection (a) for months in the calendar year which precede the month for which such reference taxable year will be taken into account.''

"(D) MODIFICATIONS DURING CALENDAR YEAR.—

Section 7527A(b)(3), as amended by the preceding provisions of this Act, is amended to read as follows:

"(D)...

(d) MODIFICATIONS FOR 2023.—

Section 7527A(a) is amended—

(1) $3,963,300,000 to remain available until September 30, 2026, for necessary expenses for the Internal Revenue Service under the Child Tax Credit, and advance payments of the Child Tax Credit, and for other tax benefits, including but not limited to grants, grants-in-aid, data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States: Provided, That such amount shall be available in addition to any amounts otherwise available under other programs in the Child Tax Credit, and for other tax benefits, including but not limited to grants, grants-in-aid, data sharing arrangements, systems changes, forms changes, and related efforts, and efforts to support the cross-enrollment of beneficiaries of other programs in the Child Tax Credit, and for advance payments of the Child Tax Credit, including by establishing intergovernmental cooperative agreements with states and local governments, the District of Columbia, tribal governments, and possessions of the United States:

"(3) E LIGIBILITY FOR ADVANCE PAYMENTS LIMITATION.—Section 7527A(h)(3) is amended by striking "2022", see subsection (l)."

(4) MODIFICATIONS FOR 2024.—

Section 7527A(a) is amended—

(1)...

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2021.

SEC. 137103. REFUNDABLE CHILD TAX CREDIT AFTER 2022.

(a) IN GENERAL.—Section 24(h) is amended by adding at the end the following new subparagraph:

"(h) REFUNDABLE CREDIT AFTER 2022.—In the case of any taxable year beginning after December 31, 2021, if the taxpayer (in the case of a joint return, either spouse) has a principal place of abode in the United States (determined as provided in section 7212) for more than one-half of the taxable year or is a bona fide resident of Puerto Rico (within the meaning of section 931(a)) for such taxable year—"

(ii)...

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning, and payments made, after December 31, 2021.

PART 2—EARNED INCOME TAX CREDIT

SEC. 137201. CERTAIN IMPROVEMENTS TO THE EARNED INCOME TAX CREDIT EXTENDED THROUGH 2022.

(a) IN GENERAL.—Section 32(n) is amended by striking “January 1, 2022” and inserting “January 1, 2023.”

(b) INFLATION ADJUSTMENT.—Section 32(n)(4)(B) is amended to read as follows:

“(B) INFLATION ADJUSTMENT.—In the case of any taxable year beginning after 2021, the $9,820 and $11,610 dollar amounts in subparagraph (A) shall be increased by an amount equal to—

“(i) such dollar amount, multiplied by

“(ii) a factor determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by substituting ‘calendar year 2020’ for ‘calendar year 2021’ in subparagraph (A) thereof.”

(c) ELECTION TO DETERMINE EARNED INCOME BASED ON PRIOR TAXABLE YEAR.—Section 32, as amended by subsection (f), is amended by adding at the end the following new subsection:

“(h) ELECTION TO DETERMINE EARNED INCOME BASED ON PRIOR TAXABLE YEAR.—

“(1) the income from a trade or business (as defined in section 162) for a taxable year, which begins after December 31, 2021, and before January 1, 2022, is less than the earned income of such trade or business for such taxable year determined by subtracting from such taxpayer’s income from such trade or business (as defined in section 162) for such taxable year such taxpayer elects (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply for such taxable year.”

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

PART 3—EXPANDING ACCESS TO HEALTH COVERAGE AND LOWERING COSTS

SEC. 137301. ELIGIBILITY AND REDUCTION PREMIUM COSTS OF HEALTH INSURANCE FOR CONSUMERS.

(a) IN GENERAL.—Section 36B(b)(2)(A)(iii) is amended by—

“(I) by striking all that precedes the table contained therein and inserting the following:

“(III) determining percentages for 2021 through 2026:

“(1) in general. — In the case of a taxable year beginning after December 31, 2020, and before January 1, 2026, the following table shall be applied in lieu of the table contained in clause (i) and

“(2) by adding at the end the following new clause:

“(C) INDEXING.—In the case of a taxable year beginning after December 31, 2020, and before January 1, 2027, clause (ii) shall not apply for purposes of adjusting premium percentages under this subparagraph.

(b) EXTENSION THROUGH 2025 OF RULE TO ALLOW CREDIT TO TAXPAYERS WHOSE HOUSEHOLD INCOME EXCEEDS 400 PERCENT OF THE POVERTY LINE.—Section 36B(c)(1)(E) is amended by adding at the end the following new sub-paragraph:

“(3) effective date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137302. MODIFICATION OF EMPLOYER-SPONSORED COVERAGE AFFORDABILITY TEST IN HEALTH INSURANCE PREMIUM TAX CREDIT.

(a) IN GENERAL.—Section 36B(c)(2)(C)(i)(II) is amended by inserting “in the case of any taxable year beginning after December 31, 2021, and before January 1, 2026” after “9.5 percent”.

(b) QUALIFIED SMALL EMPLOYER HEALTH REIMBURSEMENT ARRANGEMENTS.—Section 36B(c)(4)(C)(ii) is amended by inserting “8.5 percent” in the case of any taxable year beginning after December 31, 2021, and before January 1, 2026” after “9.5 percent”.

(c) PERCENTAGES TEMPORARILY DETERMINED WITHOUT REGARD TO ADJUSTMENTS.—(1) Section 36B(c)(2)(C)(ii) is amended by adding at the end the following new subparagraph:

“(II) of subsection (c)(2)(C)(i) shall also not apply if the taxpayer’s household income does not exceed 138 percent of the poverty line for a family of the size involved.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137303. TREATMENT OF LUMP-SUM SOCIAL SECURITY BENEFIT IN DETERMINING HOUSEHOLD INCOME.

(a) IN GENERAL.—Section 36B(c)(1)(C) is amended by—

“(I) by inserting “such tax credit is eligible” after “advance payments under section 1412 of such Act for any portion of such taxable year, and

“(ii) such taxpayer’s household income for such taxable year is projected to not exceed 138 percent of the poverty line for a family of the size involved.

(b) LIMITATION ON INCREASE FOR CERTAIN NONCITIZENS.—In the case of a taxpayer who would not be required to file a return of tax for the taxable year but for any requirement to recognize advance credit payments under section (f), if any credit established under title I of the Patient Protection and Affordable Care Act has determined that—

“(I) such tax credit is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

“(II) such credit is eligible for advance payments under section 1412 of such Act for any portion of such taxable year, and

“(C) exclusion of portion of lump-sum social security income from determining household income:—

“(I) in general.—The term ‘modified adjusted gross income’ shall not include so much of any lump-sum social security benefit payment as is attributable to months ending before the beginning of the taxable year.

“(II) lump-sum social security benefit payment for purposes of this subparagraph, the term ‘lump-sum social security benefit payment’ means any payment of social security benefits (as defined in section 86(d)(1)) which constitutes more than 1 month of the payments made for calendar years beginning after December 31, 2021.

“(III) election to include excludable amount.—With respect to any taxable year beginning after December 31, 2021, a taxpayer may elect (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply for such taxable year.”

(c) INFORMATION PROVIDED BY EXCHANGE.—The information required to be provided by an exchange to the Secretary under section (f)(3) shall include such information as is necessary to determine whether
such Exchange has made the determinations described in clauses (i) and (ii) of subparagraph (B) with respect to such taxpayer.

(b) Employer Shared Responsibility Provision Applicable With Respect to Certain Low-Income Taxpayers Receiving Premium Assistance. —Section 4980H(c)(3) is amended to read as follows:

“(B) AMOUNT OF TAX CREDIT AND COST-SHARING REDUCTION.—

“(i) In general.—The term ‘applicable premium tax credit and cost-sharing reduction’ means—

“(I) any premium tax credit allowed under section 36B,

“(II) any cost-sharing reduction under section 1402 of the Patient Protection and Affordable Care Act, and

“(iii) any advance payment of such credit or reduction made under such section.

“(B) EXCEPTION WITH RESPECT TO CERTAIN LOW-INCOME TAXPAYERS.—Such term shall not include any premium tax credit, cost-sharing reduction, or advance payment otherwise described in subparagraph (A) if such credit, reduction, or payment is allowed or paid for a taxable year of an employee (beginning after December 31, 2021, and before January 1, 2026) with respect to which—

“(i) an Exchange established under title I of the Patient Protection and Affordable Care Act has determined that such employee’s household income for such taxable year is projected to not exceed 133 percent of the poverty line for a family of the size involved, or

“(ii) such employee’s household income for such taxable year does not exceed 138 percent of the poverty line for a family of the size involved.

“(C) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137065. SPECIAL RULE FOR INDIVIDUALS RECEIVING UNEMPLOYMENT COMPENSATION.

(a) Extension.—Section 36B(g)(1) is amended by striking “determining during 2021,” and inserting “after December 31, 2020, and before January 1, 2023.”.

(b) Modification of Income Not Taken into Account.—Section 36B(l)(1)(B) is amended by striking “133 percent” and inserting “150 percent” (133 percent in the case of any week beginning after December 31, 2021)

(c) Conforming Amendment.—Section 36B(g) by inserting “2022” after “2021” in the heading thereof.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137066. PERMANENT CREDIT FOR HEALTH INSURANCE COSTS.

(a) In General.—Subparagraph (B) of section 36B(l)(1) of the Internal Revenue Code of 1986 is amended by striking “per 30-day supply—” and inserting “the lesser of, per 30-day supply—”.

(b) Increase in Credit Percentage.—Subsection (a) of section 36B(1) of the Internal Revenue Code of 1986 is amended by striking “72.5 percent” and inserting “80 percent”.

(c) Conforming Amendments.—Subsections (b) and (d) of section 36B(1) of the Internal Revenue Code of 1986 are each amended by striking “72.5 percent” and inserting “80 percent”.

(d) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 137067. EXCLUSION OF CERTAIN DEPENDENTS FOR PURPOSES OF PREMIUM TAX CREDIT.

(a) In General.—Paragraph (2) of section 36B(d) of the Internal Revenue Code of 1986, as amended, is further amended by adding at the end the following new subparagraph:

“(D) EXCEPTION FOR CERTAIN DEPENDENT INCOME.—

“(i) In general.—For purposes of determining the credit under this section and eligibility for cost sharing reductions under section 1402 of the Patient Protection and Affordable Care Act, and for other purposes (including any determination of income for purposes of paragraphs (1), (2), (3), and (4) of each of titles XIX and XXI of the Social Security Act and section 1331 of the Patient Protection and Affordable Care Act), there shall not be taken into account under subparagraph (A)(ii) the modified adjusted gross income of any dependent of the taxpayer who has not attained age 24 as of the last day of the calendar year in which the taxable year begins.

“(ii) Limitation.—Clause (i) shall not apply to—

“(I) any such aggregate of the modified adjusted gross income of all dependents of the taxpayer who have not attained age 24 as of the biennial year described in such clause as exceeds $3,500.

“(III) ELECTION TO HAVE SUBPARAGRAPH NOT APPLY.—In the case of taxable years beginning after December 31, 2021, a taxpayer may elect (at such time and in such manner as the Secretary may provide) to have this subparagraph not apply to any dependent of the taxpayer for such taxable year.

“(iv) Adjustment for Inflation.—In the case of taxable years beginning after December 31, 2023, the $3,500 amount in clause (ii) shall be increased by an amount equal to—

“(I) such amount, multiplied by

“(II) the inflation adjustment determined under section 1(f)(3) for the calendar year in which the taxable year begins, determined by subtracting ‘calendar year 2016’ in subparagraph (A)(ii) thereof.

“(c) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 9826. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS.

(a) In General.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended, is further amended by adding at the end the following new section:

“SEC. 9826. REQUIREMENTS WITH RESPECT TO COST-SHARING FOR CERTAIN INSULIN PRODUCTS. —

“(a) In General.—For plan years beginning on or after January 1, 2023, a group health plan shall provide coverage of selected insulin products, and with respect to such products, shall not—

“(I) apply any deductible; or

“(II) impose a copayment in excess of the lesser of—

“(A) $35, or

“(B) the amount equal to 25 percent of the net negotiated price of the selected insulin product net of all price concessions received by or on behalf of the plan, including price concessions received by or on behalf of the plan that are provided to the plan, such as pharmacy benefit management services.

“(b) Definitions.—In this section:

“(1) Selected insulin products.—The term ‘selected insulin products’ means at least one of each dosage form (such as vial, pump, or inhaler) of each different type (such as rapid-acting, short-acting, intermediate-acting, long-acting, ultra-long-acting, and premixed) of insulin (as defined below), when available, as selected by the group health plan.

“(2) Insulin defined.—The term ‘insulin’ means insulin that is licensed under subsection (a) or (k) of section 351 of the Public Health Service Act (42 U.S.C. 262k) and that is marketed after December 31, 2021, and before January 1, 2023.

“(3) Applicable premium tax credit and cost-sharing assistance.—In this section, ‘applicable premium tax credit and cost-sharing assistance’ means any premium tax credit, cost-sharing reduction for certain insulin products described in this section that are delivered by an out-of-network provider, or precludes a plan that has a network of providers to impose higher cost-sharing than that specified in subsection (a) for selected insulin products described in this section that are delivered by an out-of-network provider.

“(4) Rule of Construction.—Subsection (a) shall be construed to require coverage of, or prevent a group health plan from imposing cost-sharing other than the levels specified in subsection (a) on, insulin products that are not selected insulin products, and such coverage is otherwise permitted under Federal and applicable State law.

“(b) Application of Cost-Sharing Towards Deductibles and Out-of-Pocket Maximums.—Any cost-sharing payments made pursuant to subsection (a)(2) shall be counted towards any deductible or out-of-pocket maximum that applies under the plan.

“(c) Clerical Amendment.—The table of sections for subchapter B of chapter 100 is amended by inserting at the end the following new item:

“Sec. 9826. Requirements with respect to cost-sharing for certain insulin products.”.

SEC. 137069. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

(a) In General.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986, as amended, by the preceding provisions of this Act, is further amended by adding at the end the following:

“SEC. 9827. OVERSIGHT OF PHARMACY BENEFIT MANAGER SERVICES.

“(a) In General.—For plan years beginning on or after January 1, 2023, a group health plan or an entity or subsidiary providing pharmacy benefits management services on behalf of such a plan shall not enter into a contract with a drug manufacturer, distributor, wholesaler, subcontractor, rebate aggregator, or any associated third party that limits the disclosure of information provided by a plan sponsor to prevent the plan, or an entity or subsidiary providing pharmacy benefits management services on behalf of a plan, from making the reports described in subsection (b).

“(b) Reports.—

“(1) In General.—For plan years beginning on or after January 1, 2023, not less frequently than once every 6 months, an entity providing pharmacy benefits management services on behalf of a group health plan shall submit to the plan sponsor (as defined in section 316(b) of the Employee Retirement Income Security Act of 1974) of such group health plan a report in accordance with this subsection and make such report available to the plan sponsor in a machine-readable format. Each report shall include, with respect to the applicable group health plan,
“(A) as applicable, information collected from drug manufacturers by such entity on the total amount of copayment assistance dollars paid, or copayment cards applied, that were funded by the drug manufacturer with respect to the participants and beneficiaries in such plan; 

“(B) a list of each drug covered by such plan or entity providing pharmacy benefit management services on behalf of such plan(s) dispensed during the reporting period, including, with respect to each such drug during the reporting period—

“(i) the brand name, chemical entity, and National Drug Code; 

“(ii) the number of participants and beneficiaries for whom the drug was filled during the plan year, the total number of prescription fills for the drug (including any original prescriptions and refills), and the total number of dosage units of the drug dispensed across the plan year, including whether the dispensing channel was by retail, mail order, or specialty pharmacy; 

“(iii) the wholesale acquisition cost, listed as cost per days supply and cost per pill, or in the case of a drug in another form, per dose; 

“(iv) the total out-of-pocket spending by participants and beneficiaries on such drug, including participant and beneficiary spending through copayments, coinsurance, and deductibles; and 

“(v) for any drug for which gross spending of the group health plan exceeded $10,000 during the reporting period—

“(A) a list of all other drugs in the same therapeutic category or class, including brand name drugs and biological products and generic drugs or biosimilar products that are in the same therapeutic category or class as such drug; and 

“(B) the rationale for preferred formulary placement of such drug in that therapeutic category or class; 

“(C) a list of each therapeutic category or class of drugs that were dispensed under the health plan during the reporting period, with respect to each such therapeutic category or class of drugs, during the reporting period—

“(i) total spending by the plan, before manufacturer rebates, fees, and other manufacturer remuneration; 

“(ii) the number of participants and beneficiaries who filled a prescription for a drug in that category or class; 

“(iii) if applicable to that category or class, a description of the formulary tiers and utilization mechanisms (such as prior authorization or step therapy) employed for drugs in that category or class; 

“(iv) the total out-of-pocket spending by participants and beneficiaries, including copayments, coinsurance, and deductibles; and 

“(v) for each therapeutic category or class under which 3 or more drugs are included in the formulary of such plan—

“(I) the amount received, or expected to be received, from drug manufacturers in rebates, fees, alternative discounts, or other remuneration—

“(aa) to be paid by drug manufacturers for claims incurred during the reporting period; or 

“(bb) to be paid by drug manufacturers for the purpose of increasing the number of physicians practicing in rural and underserved communities; 

“(II) the total net spending, after deducting rebates, price concessions, alternative discounts or other remuneration from drug manufacturers, by the health plan on that category or class of drugs; and 

“(III) the net price per course of treatment or single fill, such as a 30-day supply or 90-day supply, incurred by the health plan and its participants and beneficiaries, after manufacturer rebates, fees, and other remuneration for drugs dispensed within such therapeutic category or class during the reporting period; 

“(D) total gross spending on prescription drugs by the health plan during the reporting period, before rebates and other manufacturer fees or remuneration; 

“(E) total amount received, or expected to be received, by the health plan in drug manufacturer rebates, fees, alternative discounts, and all other remuneration received from the manufacturer related to utilization of drug or drug spending under that health plan during the reporting period; 

“(F) the total net spending on prescription drugs by the health plan during the reporting period; and 

“(G) amounts paid directly or indirectly in rebates, fees, or any other type of remuneration to brokers, consultants, advisors, or any other individual or firm who referred the group health plan’s business to the pharmacy benefit manager; and 

“(2) PRIVACY REQUIREMENTS.—Entities providing pharmacy benefits management services on behalf of a group health plan shall provide information under paragraph (1) in a manner consistent with the privacy, security, and breach notification regulations promulgated under section 264(c) of the Health Insurance Portability and Accountability Act of 1996, and shall restrict the use and disclosure of such information according to such privacy regulations. 

“(3) DISCLOSURE AND REDISCLOSURE.—

“(A) LIMITATION TO BUSINESS ASSOCIATES.—A group health plan receiving a report under paragraph (2) shall disclose such information only to business associates of such plan as defined in section 160.103 of title 45, Code of Federal Regulations (or successor regulations). 

“(B) CLARIFICATION REGARDING PUBLIC DISCLOSURE OF INFORMATION.—Nothing in this section prevents an entity providing pharmacy benefit management services on behalf of a group health plan from placing reasonable restrictions on the public disclosure of the information contained in a report described in paragraph (1), except that such entity may restrict disclosure of such report to the Department of Health and Human Services, the Department of Labor, or the Department of the Treasury. 

“(C) LIMITED FORM OF REPORT.—The Secretary shall define through rulemaking a limited form of the report under paragraph (1) required of plan sponsors who are drug manufacturers, drug wholesalers, or other direct participants in the drug supply chain, in order to prevent anti-competitive behavior. 

“(4) REPORT TO GAO.—An entity providing pharmacy benefit management services on behalf of a group health plan shall submit to the Comptroller General of the United States each of the first 4 reports submitted to a plan sponsor under paragraph (2), and other such reports as requested, in accordance with the privacy requirements under paragraph (2) and the disclosure and redisclosure standards under paragraph (3), and such other information that the Comptroller General determines necessary to carry out the study under section 3606(b) of an Act to provide for reconciliation pursuant to title II of S. Con. Res. 14. 

“(c) ENFORCEMENT.—

“(1) IN GENERAL.—The Secretary, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall enforce this section. 

“(2) FAILURE TO PROVIDE TIMELY INFORMATION.—An entity providing pharmacy benefit management services that violates subsection (a) or fails to provide information required under subsection (b), or a drug manufacturer that fails to provide information under subsection (b)(1)(A) in a timely manner, shall be subject to a civil monetary penalty in the amount of $10,000 for each day during which such violation continues or such information is not disclosed or reported. 

“(3) FALSE INFORMATION.—An entity providing pharmacy benefit management services, or drug manufacturer that knowingly provides false information under this section shall be subject to a civil monetary penalty in an amount not to exceed $100,000 for each item of false information. Such civil monetary penalty shall be in addition to other penalties as may be prescribed by law. 

“(4) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsection (a) and (b) and the first sentence of subsection (c) of such section, apply to civil monetary penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act. 

“(5) WAIVERS.—The Secretary may waive penalties under paragraph (2), or extend the period of time for compliance with a requirement of this section, for an entity providing pharmacy benefit management services on behalf of a group health plan that has made a good-faith effort to comply with this section. 

“(6) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to permit a group health plan or other entity to restrict disclosure to, or otherwise limit the access of, the Department of the Treasury to a report described in subsection (b)(1) or information related to compliance with subsection (a) by such plan or entity. 

“(c) DEFINITION.—In this section, the term ‘wholesale acquisition cost’ has the meaning given such term in section 1847A(c)(6)(B) of the Social Security Act. 

“(d) CLERICAL AMENDMENT.—The table of sections for chapter 100 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is further amended by adding at the end the following new item: “Sec. 9827. Oversight of pharmacy benefit manager services.”. 

PART 4—PATHWAY TO PRACTICE TRAINING PROGRAMS 

SEC. 137401. ADMINISTRATIVE FUNDING OF THE RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS, MEDICAL STUDENTS, AND MEDICAL RESIDENTS. 

In addition to amounts otherwise available, there is appropriated to the Secretary for fiscal year 2022, out of any money in the Treasury not otherwise appropriated, $6,000,000 to remain available until September 30, 2023, in addition to amounts otherwise available, to carry out the administration of the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students under section 1899C of such Act (42 U.S.C. 1395mmm) and the Rural and Underserved Pathway to Practice Training Programs for Medical Residents under section 1899E of such Act (42 U.S.C. 1395vvv). Amounts transferred under the preceding section shall remain available until expended. 

SEC. 137402. ESTABLISHING RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS. 

(a) PROGRAM.—

“(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section: “SEC. 1899C. RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS. 

“(a) PROGRAM.—

“(1) IN GENERAL.—Title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) is amended by adding at the end the following new section: “SEC. 1899C. RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS. 

“(a) PROGRAM.—

“(1) IN GENERAL.—Not later than October 1, 2023, the Secretary shall establish the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students (in this section referred to as the ‘Program’) under which the Secretary awards Pathway to Practice medical scholarship vouchers to qualifying students described in subsection (b) for the purpose of increasing the number of physicians practicing in rural and underserved communities.”.
"(b) QUALIFYING STUDENT DESCRIBED.—For purposes of this section, a qualifying student described in this subsection is an individual who—

(1) attests he or she—

(A) is or will be a first-generation student of a 4-year college, graduate school, or professional school; or

(B) was a Pell Grant recipient; or

(C) lived in a medically underserved area, rural area, or health professional shortage area for a period of at least 5 years prior to attending an undergraduate program;

(2) has accepted enrollment in—

(A) a post-baccalaureate program that is not more than 2 years after it intends to enroll in a qualifying medical school within 2 years after completion of such program; or

(B) a qualifying medical school;

(3) will practice medicine in a health professional shortage area, medically underserved area, public hospital, rural area, or as required under subsection (d)(5); and

(4) submits an application and a signed copy of the agreement described under subsection (c).

(c) APPLICATION.—

(1) IN GENERAL.—To be eligible to receive a Pathway to Practice medical scholarship voucher under this section, a qualifying student described in subsection (b)(1) must submit to the Secretary an application at such time, in such manner, and containing such information as the Secretary may require.

(2) INFORMATION TO BE INCLUDED.—As a part of the application described in paragraph (1), the Secretary shall include a notice of the items which are required to be agreed to under subsection (d)(2) for the purpose of notifying the qualifying student of the terms of the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students.

(d) PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER DETAILS.—

(1) NUMBER.—On an annual basis, the Secretary shall award a Pathway to Practice medical scholarship voucher under the Program to 1,000 qualifying students described in subsection (b).

(2) PRIORITIZATION CRITERIA.—In determining whether to award a Pathway to Practice medical scholarship voucher under the Program to qualifying students described in subsection (b), the Secretary shall prioritize applications from any such student who attests that he or she—

(A) was a participant in the Health Resources and Services Administration Health Careers Opportunity Program, Centers of Excellence Program, or an Area Health Education Center program;

(B) is a disadvantaged student (as defined by the National Health Service Corps of the Health Resources & Services Administration of the Department of Health and Human Services); or

(C) attended a historically black college or other historically black educational institution (as defined in section 106g of title 20, United States Code).

(3) DURATION.—Each Pathway to Practice medical scholarship voucher awarded under this Program to a qualifying medical school or any provider of a post-baccalaureate program referred to in subsection (b)(5) must be used for the costs of each item specified under paragraph (4), except for the costs of each item specified in subparagraph (D) for a qualifying medical school or to a post-baccalaureate program that is not more than 2 years and such school or program shall (as a condition of, and prior to, such award being made with respect to such school or program)—

(A) submit to the Secretary such information as the Secretary may require to determine the amount of such awards under this Program that is determined a past-due obligation under subsection (b)(3) of such section in the case qualifying student fails to complete all of the requirements of any agreement under this subsection; and

(B) enter into an agreement with the Secretary under which such school or program will verify in such manner as the Secretary may provide) that amounts paid by such school or program to the qualifying student are used for such costs.

(e) DEFINITIONS.—In this section:

(1) HEALTH PROFESSIONAL SHORTAGE AREA.—The term ‘health professional shortage area’ has the meaning given such term in subparagraph (A) or (B) of section 322(a)(1) of the Public Health Service Act.

(2) INITIAL RESIDENCY PERIOD.—The term ‘initial residency period’ has the meaning given such term under subsection (b)(3)(B) of the 5-year period beginning on the date an eligible individual fails to

(3) MEDICALLY UNDERSERVED AREA.—The term ‘medically underserved area’ means an area designated pursuant to section 330(b)(3)(A) of the Public Health Service Act.

(f) PELL GRANT RECIPIENT.—The term ‘Pell Grant recipient’ has the meaning given such term in section 322(2)(B) of the Higher Education Act of 1965.

(g) PERIOD OF BOARD ELIGIBILITY.—The term ‘period of board eligibility’ has the meaning given such term in section 1886(h)(3)(A)(III).

(h) QUALIFYING MEDICAL SCHOOL.—The term ‘qualifying medical school’ means a school of medicine that—

(A) is accredited by the Liaison Committee on Medical Education of the American Medical Association and the Association of American Medical Colleges (or approved by such Committee meeting the standards necessary for such accreditation); or

(B) is accredited by the American Osteopathic Association, or approved by such Association as meeting the standards necessary for such accreditation;

(C) is located in a State (as defined in section 210(h)).

(i) RURAL AREA.—The term ‘rural area’ has the meaning given such term in section 1862(b)(10).

(j) PENALTY FOR FALSE INFORMATION.—Any person who knowingly and willfully obtains by fraud, false statement, or forgery, or fails to refund any funds, assets, or property, received pursuant to this section shall be fined not more than $20,000 or imprisoned for not more than 5 years, or both.

(2) AGREEMENTS.—Section 1892 of the Social Security Act (42 U.S.C. 1396cc) is amended—

(A) in subsection (a)(3)—

(i) by striking ‘‘, or the’’ and inserting ‘‘, or’’;

(ii) by inserting ‘‘or the Rural and Under- served Pathway to Practice Training Program for Post- Baccalaureate and Medical Students under section 1896c’’ before ‘‘, owes a past-due obligation’’;

(B) in subsection (b)—

(i) in paragraph (1), by striking at the end

(ii) in paragraph (2), by striking the period at the end and inserting ‘‘; or’’;

and

(iii) by adding the end the following new paragraph:

(3) subject to subsection (f), owed by an individual to the United States by breach of an agreement under section 1896c and which payment has not been paid by the individual for any amounts received under the Rural and Underserved Pathway to Practice Training Program for Post-Baccalaureate and Medical Students (and accrued interest determined in accordance with subsection (f)(4)) in the case such individual fails to complete the requirements of such agreement; and

(C) by adding at the end the following new subsection:

(8) AUTHORITIES WITH REGARD TO THE COLLECTION UNDER THE PATHWAY TO PRACTICE TRAINING PROGRAM.—The Secretary—

(1) shall require payment to the United States for any amount of damages that the United States is entitled to recover under subsection (b)(3), within the 5-year period beginning on the date an eligible individual fails to
the requirements of such agreement under section 1899C(d)(5) (or such longer period beginning on such date as specified by the Secretary), and any such amounts not paid within such period shall be subject to collection through deductions in Medicare payments pursuant to subsection (e);

(2) shall allow payments described in paragraph (1) to be paid in installments over such 5-year period, which shall accrue interest in an amount determined pursuant to paragraph (5); and

(3) shall require that an individual pay a past-due obligation under subsection (b)(3) in the case of hardship (as determined by the Secretary);

(4) shall disallow any past-due obligation under subsection (b)(3) that is owed to the United States to any credit reporting agency that the United States entitled to be recovered by the United States under this section; and

(5) shall make a final determination of whether the amount of payment under section 1899C credit against the tax imposed by this subsection in subsection (b) of such section) was in excess of or less than the amount of payment that is due, and payment of such excess or deficit is not made (or failure to make such payment within 30 days of the date of the determination, and interest shall accrue on the balance of such excess or deficit not paid or offset (to the extent that the balance is owed to the (provider)) and the rate determined in accordance with the regulations of the Secretary applicable to charges for late payments.

SEC. 137403. FUNDING FOR THE RURAL AND UNDERSERVED PATHWAY TO PRACTICE TRAINING PROGRAMS FOR POST-BACCALAUREATE STUDENTS AND MEDICAL STUDENTS.

(a) IN GENERAL.—Subpart C of part IV of subchapter A of chapter I of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended by inserting after section 36F the following new section:

"SEC. 36G. PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER CREDIT.

"(a) IN GENERAL.—In the case of a qualified educational institution, there shall be allowed as a credit against the tax imposed by this subtitle for any taxable year an amount equal to the aggregate amount paid or incurred by such institution during such taxable year pursuant to any Pathway to Practice medical scholarship voucher awarded to a qualifying student with respect to such institution.

(b) DETERMINATION OF AMOUNTS PAID PURSUANT TO PATHWAY TO PRACTICE MEDICAL SCHOLARSHIP VOUCHERS, ETC.—For purposes of this section—

"(1) an amount shall be treated as paid or incurred pursuant to an annual award of a Pathway to Practice medical scholarship voucher (in excess of the amount paid or incurred in a prior taxable year) only if such amount is paid or incurred in reimbursement, or anticipation of, an expense described in subparagraphs (A) through (E) of paragraph (4) of section 1899C(d) of the Social Security Act and is subject to verification in such manner as the Secretary of Health and Human Services may provide under paragraph (6) of section 1886(d)(3).

"(2) in the case of any amount credited by a qualified educational institution against a liability incurred by the qualifying student to such institution, such amount shall be treated as paid by such institution to such student as of the date that such liability would otherwise be due.

"(c) Definitions.—For purposes of this section—

"(1) QUALIFIED EDUCATIONAL INSTITUTION.—The term ‘qualified educational institution’ means, with respect to any annual award of a Pathway to Practice medical scholarship voucher—

"(A) any qualified medical school (as defined in subsection (e)(6) of section 1899C of the Social Security Act), and

"(B) any entity that is a part of a post-baccalaureate program referred to in subsection (b)(2)(A) of such section,

which meets the requirements of subsection (d)(6) of such section.

"(2) QUALIFYING STUDENT.—The term ‘qualifying student’ means any student to whom the Secretary of Health and Human Services has awarded an annual award of a Pathway to Practice medical scholarship voucher under section 1899C of the Social Security Act.

"(3) ANNUAL AWARD TO PRACTICE MEDICAL SCHOLARSHIP VOUCHER.—The term ‘annual award of a Pathway to Practice medical scholarship voucher’ means the annual award of a Pathway to Practice medical scholarship voucher referred to in section 1899C(d)(3) of the Social Security Act.

"(d) COORDINATION OF ACADEMIC AND TAXABLE YEARS.—(A) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986, as amended by the preceding provisions of this Act, is amended by inserting ‘36G,’ after ‘36F’.

"(B) Paragraph (2) of section 323(b) of title 31, United States Code, as amended by the preceding provisions of this Act, is amended by inserting ‘36G,’ after ‘36F’.

"(C) The table of sections for subpart C of part IV of chapter 1 of the Internal Revenue Code of 1986, and amended by the preceding provisions of this Act, is amended by inserting ‘36G,’ after ‘36F’.

"(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after the date of the enactment of this Act.

SEC. 137404. ESTABLISHING RURAL AND UNDERSERVED PATHWAY TO PRACTICE PROGRAMS FOR MEDICAL RESIDENTS.

Section 1886 of the Social Security Act (42 U.S.C. 1395vvw) is amended—

"(1) in subsection (d)(5)(B)(v), by inserting ‘(h)(4)(H)(vii),’ after ‘The provisions of subsections (h)(4)(H)(vi),’; and

"(2) in subsection (h)(4)(H), by adding at the end the following new clause:

"(vii) EXCLUSION FROM FULL-TIME EQUIVALENT LIMITATION FOR HOSPITALS IMPLEMENTING RURAL AND UNDERSERVED PATHWAY TO PRACTICE PROGRAM.—

"(A) IN GENERAL.—For cost reporting periods beginning on or after October 1, 2026, during which a qualifying resident (as defined in subsection (h)(4)(H)) trains in an applicable hospital (as defined in subsection (h)(4)(H)(ii)) for a full-time equivalent resident period of time, the aggregate number of such positions made available under this paragraph shall be equal to 4,000.
(I) ANNUAL LIMIT.—The aggregate number of such positions so made available shall not exceed 2,000 for a fiscal year.

(III) ROUNDS OF APPLICATION.—The Secretary shall conduct a separate round of applications for an increase under clause (i) for each fiscal year for which such an increase is to be provided.

(IV) DISTRIBUTION FOR PRIMARY CARE, PSYCHIATRY, AND OTHER RESIDENCIES.—

(I) IN GENERAL.—Except as provided under subclause (II), of the positions made available under this paragraph that are not distributed to a qualifying hospital by July 1, 2027, and such positions shall be distributed to hospitals in accordance with subparagraph (B), without regard to specialty.

(II) DISTRIBUTION FOR OTHER RESIDENCIES.—The requirement under subclause (I) shall not apply with respect to any positions made available under this paragraph that are not distributed to a qualifying hospital by July 1, 2027, and such positions shall be distributed to hospitals in accordance with subparagraph (B), without regard to specialty.

(V) CLARIFICATION REGARDING AVAILABILITY OF OTHER INCREASE.—A qualifying hospital may apply for, and receive, an increase under this paragraph for a fiscal year (F) for a hospital that is otherwise applicable resident limit under this paragraph.

(B) DISTRIBUTION.—For purposes of providing an increase in the otherwise applicable resident limit under this paragraph, the Secretary shall distribute 30 percent of such aggregate number to each of the categories of hospitals described in subclause (II) of clause (ii), 20 percent of such aggregate number to the category of hospitals described in subclauses (I), (III), and (IV) of such clause, and 10 percent of such aggregate number to the category of hospitals described in subclause (V) of such clause, subject to clauses (iii) and (iv).

(II) ELIGIBLE HOSPITALS.—With respect to the aggregate number of such positions available for distribution under this paragraph, the Secretary shall distribute each of the categories of hospitals described in subclauses (I), (III), and (IV) of such clause, and 10 percent of such aggregate number to the category of hospitals described in subclause (V) of such clause, subject to clauses (iii) and (iv).

(III) CATEGORIES OF HOSPITALS DESCRIBED.—The following categories of hospitals are described in this clause:

(I) Hospitals that are located in a rural area (as defined in subsection (d)(2)(D)) or are treated as being located in a rural area pursuant to subsection (d)(2)(D) of this section.

(II) Hospitals in which the reference resident level of the hospital (as specified in subparagraph (F)(c)) is greater than the otherwise applicable resident limit.

(III) Hospitals in States with—

(aa) a new medical school that received 'Candidacy for Accreditation' status from the Liaison Committee on Medical Education or 'Pre-Accreditation status from the American Osteopathic Association Commission on Osteopathic College Accreditation' on January 1, 2000, and achieved or continued to progress toward 'Full Accreditation status' (as such term is defined by the Liaison Committee on Medical Education) or toward 'Accreditation status' (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation) or

(bb) in an additional location or branch campus established on or after January 1, 2000, by a medical school with 'Full Accreditation' status (as such term is defined by the Liaison Committee on Medical Education) or 'Accreditation status' (as such term is defined by the American Osteopathic Association Commission on Osteopathic College Accreditation).

(VII) The hospital is located in or serves an area designated as a health profession shortgage area under section 332(a)(1)(A) of the Public Health Service Act or serve a population group designated under section 332(a)(1)(B) of such Act, as determined by the Secretary.

(VIII) Hospitals located in States in the lowest quartile for the State population ratios, as defined by the Secretary.

(IX) DISTRIBUTION TO OTHER HOSPITALS.—Any positions made available under this paragraph that are not distributed to a qualifying hospital in accordance with clause (i) by July 1, 2027, shall be distributed to other hospitals, subject to the requirement under clause (iv). In carrying out the provisions of this paragraph, the Secretary shall ensure that such positions are first offered to qualifying hospitals in categories described in clause (ii) before being distributed to other hospitals.

(X) REQUIREMENT.—A hospital shall only be eligible to receive positions made available under this paragraph if it demonstrates to the Secretary that the hospital is likely to—

(I) fill such positions within the first 5 training years beginning after the date the increase would be effective, as determined by the Secretary; and

(II) use such portion (as specified by the Secretary) of such positions for the residences described in (A)(iv).

(XI) CONDITIONS OF DISTRIBUTION.—

(I) IN GENERAL.—Subject to clause (iv), a hospital that receives an increase attributable to this paragraph is eligible to receive an increase under this paragraph.

(II) PRIMARY CARE RESIDENCY.—The term 'primary care residency' means a residency in family medicine, general internal medicine, general pediatrics, and two years after completion of their residency.

(III) PSYCHIATRY RESIDENCY.—The term 'psychiatry residency' means a residency in psychiatry, geriatric psychiatry, addiction psychiatry, addiction medicine, consultation-liaison psychiatry, and hospice and palliative medicine.

(IV) MEDICAL RESIDENCIES.—With respect to additional residency positions attributable to the increase provided under this paragraph to a hospital, the approved FTE per resident amounts are deemed to be equal to the hospital per resident amounts for primary care and nonprimary care, computed under paragraph (2)(D) for such hospital.

(V) DISTRIBUTING PERMITTED TO APPLY AGGREGATION RULES.—The Secretary shall permit hospitals receiving additional residency positions attributable to the increase provided under this paragraph to, beginning in the fifth year after the date of such increase, distribute such positions to the limitation amount under paragraph (4)(F) that may be aggregated pursuant to paragraph (4)(H) among members of the same affiliated group.

(VI) DEPOSITS.—In this paragraph:

(I) OTHERWISE APPLICABLE RESIDENT LIMIT.—The term 'otherwise applicable resident limit' means, with respect to a hospital, the limit otherwise applicable under subparagraphs (F)(i) and (H) of paragraph (4) on the resident level for a hospital determined without regard to this paragraph but taking into account paragraphs (4)(A), (4)(B), (4)(C), and (4)(D).

(II) PRIMARY CARE RESIDENCY.—The term 'primary care residency training program' means a residency training program described in paragraph (5)(H).

(VII) PSYCHIATRY RESIDENCY.—The term 'psychiatry residency' means a residency in psychiatry, geriatric psychiatry, addiction psychiatry, addiction medicine, consultation-liaison psychiatry, and hospice and palliative medicine.

(VIII) QUALIFYING HOSPITAL.—The term 'qualifying hospital' means a hospital described in any of subclauses (I) through (V) of subparagraph (B)(ii).

(X) REFERENCE RESIDENT LEVEL.—The term 'reference resident level' means, with respect to a hospital, the resident level for the most recent cost reporting period of the hospital ending on or before the date of enactment of this paragraph, for which a cost report has been settled (or, if not submitted (subject to audit)), as determined by the Secretary.

(XI) RESIDENT LEVEL.—The term 'resident level' has the meaning given such term in paragraph (1)(C)(I).

(G) FUNDING.—There is appropriated to the Secretary, out of any amounts in the Treasury not otherwise appropriated, to remain available until expended, for purposes of carrying out this paragraph and subsection (d)(5)(B)(iv)—

(I) $5,500,000 for fiscal year 2027; $5,000,000 for fiscal year 2028; and $4,500,000 for fiscal year 2029.

(II) $3,500,000 for fiscal year 2027; $3,000,000 for fiscal year 2028; and $2,500,000 for fiscal year 2029.

(III) $2,500,000 for fiscal year 2027; $2,000,000 for fiscal year 2028; and $1,500,000 for fiscal year 2029.

(IV) $1,500,000 for each of fiscal years 2027 through 2029.

(2) of the Social Security Act (42 U.S.C. 1396) amends—

(1) in clause (i), in the third sentence, by striking "(h)(1)" and "(h)(10)"; and

(2) by adding at the end the following new clause (h)(11):—

(xiii) For discharges occurring on or after January 1, 2021, insofar as an additional payment
amount under this subparagraph is attributable to resident positions distributed to a hospital under subsection (h)(10), the indirect teaching adjustment factor shall be computed in the same manner as under subsection (ii) with respect to such resident positions."

"PART 5—HIGHER EDUCATION"

SEC. 137501. CREDIT FOR PUBLIC UNIVERSITY RESEARCH INFRASTRUCTURE.

(a) In general—(i) This 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. 45AA. CREDIT FOR PUBLIC UNIVERSITY RESEARCH INFRASTRUCTURE CREDIT.

"(a) ALLOWANCE OF CREDIT.—For purposes of section 36, the public university research infrastructure credit determined under this section for a taxable year is an amount equal to 40 percent of the qualified cash contributions made by a taxpayer during such taxable year.

"(b) QUALIFIED CASH CONTRIBUTION.—

"(1) IN GENERAL.—

"(A) DEFINED.—For purposes of subsection (a), the qualified cash contribution for any taxable year is the aggregate amount contributed in cash by a taxpayer during such taxable year to a certified educational institution in connection with a qualifying project that, but for this section, would be treated as a charitable contribution for purposes of section 170(c).

"(B) QUALIFIED CASH CONTRIBUTIONS TAKEN INTO ACCOUNT FOR PURPOSES OF CHARITABLE CONTRIBUTIONS.—Any qualified cash contributions made by a taxpayer under this section shall be taken into account for purposes of determining the percentage limitations under section 170(c).

"(2) DESIGNATION REQUIRED.—A contribution shall only be treated as a qualified cash contribution to the extent that it is designated as such by a certified educational institution under subsection (d).

"(c) DEFINITIONS.—For purposes of this section—

"(1) QUALIFYING PROJECT.—The term 'qualifying project' means a project to purchase, construct, or improve research infrastructure property.

"(2) RESEARCH INFRASTRUCTURE PROPERTY.—The term 'research infrastructure property' means any portion of a property, building, or structure of an eligible educational institution, or any portion of such property, building, or structure, that is used for research.

"(3) ELIGIBLE EDUCATIONAL INSTITUTION.—The term 'eligible educational institution' means—

"(A) an institution of higher education (as such term is defined in section 101 or 102(c) of the Higher Education Act of 1965) that is a college or university described in section 511(a)(2)(B), or

"(B) an organization described in section 170(b)(1)(A)(iv), section 170(b)(1)(A)(v), or section 509(a)(1) to which authority has been delegated by an institution described in subparagraph (A) for purposes of applying for or administering credit amounts on behalf of such institution.

"(4) CERTIFIED EDUCATIONAL INSTITUTION.—The term 'certified educational institution' means an educational institution which has been allocated a credit amount for a qualifying project and—

"(A) has received a certification for such project under part IV of subchapter D of part IV of this title; and

"(B) designates credit amounts to taxpayers for qualifying cash contributions toward research infrastructure property under subsection (b) if the Secretary determines that credits under this section are available to such institution.

"(d) QUALIFYING UNIVERSITY RESEARCH INFRASTRUCTURE PROGRAM.—

"(1) ESTABLISHMENT.—(A) Not less than 180 days after the date of the enactment of this section, the Secretary, after consultation with the Secretary of Education, shall establish a program to—

"(i) certify and allocate credit amounts for qualifying projects to eligible educational institutions;

"(ii) allow certified educational institutions to designate cash contributions for qualifying projects of such certified educational institutions as qualified cash contributions;

"(B) LIMITATIONS.—

"(1) ALLOCATION LIMITATION PER INSTITUTION.—Cash contributions allocated to a certified educational institution under subparagraph (A)(i) for all projects shall not exceed $50,000,000 per calendar year.

"(ii) OVERALL ALLOCATION LIMITATION.—

"(A) IN GENERAL.—The total amount of qualifying project credit amounts that may be allocated under subparagraph (A)(i) shall not exceed—

"(aa) $500,000,000 for each of calendar years 2022, 2023, 2024, 2025, and 2026, and

"(bb) $0 for each subsequent year.

"(B) ROLLOVER OF UNALLOCATED CREDIT AMOUNTS.—Any credit amounts described in subparagraph (i) that are unallocated during a calendar year shall be carried to the succeeding calendar year and added to the limitation allocable under such subparagraph for such succeeding calendar year.

"(iii) DESIGNATION LIMITATION.—The aggregate amount of cash contributions which are designated by a certified educational institution as qualifying contributions with respect to any qualifying project shall not exceed 25 percent of the credit amount allocated to such certified educational institution for a qualifying project under subparagraph (A)(i).

"(2) CERTIFICATION APPLICATION.—Each eligible educational institution which applies for certification of a project under this paragraph shall submit an application in such time, form, and manner as the Secretary may require.

"(3) SELECTION CRITERIA FOR ALLOCATIONS TO ELIGIBLE EDUCATIONAL INSTITUTIONS.—(A) After consultation with the Secretary of Education, the Secretary, after consultation with the Secretary of Education, shall select applications from eligible educational institutions—

"(i) based on the extent of the expected expansion of an eligible educational institution's targeted research within disciplines in science, mathematics, engineering, and technology, and

"(ii) in a manner that ensures consideration is given to eligible educational institutions with full-time student populations of less than 12,000.

"(4) DESIGNATION OF QUALIFIED CASH CONTRIBUTIONS TO TAXPAYERS.—The Secretary, after consultation with the Secretary of Education, shall designate cash contributions to such institutions as qualified cash contributions.

"(5) DISCLOSURE OF ALLOCATIONS AND DESIGNATIONS.—

"(A) ALLOCATIONS.—The Secretary shall, upon allocation of a credit amount to any applicant under this subsection, publicly disclose the identity of the applicant and the credit amount allocated to such applicant.

"(B) DISCLOSURE OF REASSESSMENTS.—Each certified educational institution shall, upon designating contributions to any qualified cash contributions toward research infrastructure property under this subsection, publicly disclose the identity of the applicant and the amount of contributions designated in such time, form, and manner as the Secretary may require.

"(6) REGULATIONS AND GUIDANCE.—

"(A) REGULATIONS.—Not later than 5 years after the date of the enactment of this section, the Secretary, after consultation with the Secretary of Education when applicable, shall prescribe such regulations and guidance as may be necessary to carry out this section, including regulations or other guidance for—

"(i) prevention of abuse,

"(ii) establishment of reporting requirements,

"(iii) establishment of selection criteria for applications, and

"(iv) disclosure of allocations.

"(B) PENALTY FOR NONCOMPLIANCE.—

"(1) IN GENERAL.—If at any time during the 5-year period beginning on the date of the allocation of a credit amount under subsection (d)(1)(A)(ii) there is a noncompliance event with respect to such credit amount, then the following rules shall apply—

"(A) GENERAL RULE.—Any cash contribution designated as a qualifying cash contribution under subsection (d)(1)(A)(ii) with respect to which such credit amount were allocated under subsection (d)(1)(A)(ii) shall be treated as unrelated business taxable income (as defined in section 512) for such certified educational institution.

"(B) RULE FOR UNUSED CREDIT AMOUNTS.—In the case of credit amounts described under paragraph (2)(A) which are unused and identified pursuant to subsection (g), the Secretary shall reallocate any portion of such credit amounts that are unused to certified educational institutions in lieu of imposing the general rule under subparagraph (A).

"(2) NONCOMPLIANCE EVENT.—For purposes of this subsection, the term 'noncompliance event' means, with respect to a credit amount allocated to a certified educational institution—

"(A) cash contributions equaling the amount of such credit amount are not designated as qualified cash contributions within 4 years after December 31 of the year such credit amount is allocated,

"(B) a qualifying project with respect to which such credit amount was allocated is not placed in service within either—

"(i) 4 years after December 31 of the year such credit amount is allocated, or

"(ii) the period of time that the Secretary determines is appropriate, or

"(C) the research infrastructure property placed in service as part of a qualifying project with respect to which such credit amount was allocated ceases to be used for research within five years after such property is placed in service.

"(3) REVIEW AND REALLOCATION OF CREDIT AMOUNTS.—

"(A) REVIEW.—Not later than 5 years after the date of the enactment of this section, the Secretary shall review the credit amounts allocated under this section as of such date.

"(B) REALLOCATION.—(A) IN GENERAL.—The Secretary may reallocate credit amounts allocated under this section if the Secretary determines, as of the date of the review required by paragraph (3)(A), that credit amounts are subject to a noncompliance event.

"(B) ADDITIONAL PROGRAM.—If the Secretary determines that credits under this section are available for reallocation for reasons set forth in paragraph (A), the Secretary is authorized to conduct an additional program for applications for certification.

"(C) DEADLINE FOR REALLOCATION.—The Secretary shall not certify any project, or reallocate any credit amount, pursuant to this paragraph after December 31, 2021.

"(D) DENIAL OF DOUBLE BENEFIT.—No credit or deduction shall be allowed under any other provision of this Act for any qualified cash contribution for which a credit is allowed under this section.

"(E) RULE FOR TRUSTS AND ESTATES.—For purposes of this section, rules similar to the rules of subsection (d) of section 52 shall apply.

"(F) TERMINATION.—This section shall not apply to qualified cash contributions made after December 31, 2021.

"(G) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—Subsection (b) of section 38, as amended by the preceding provisions of this Act, is amended by striking the period at the end of subparagraph (41), by striking the period at the end of subparagraph (42), and by inserting 'plus' at the end of paragraph (41), by striking the period at the end of paragraph (42) and inserting "plus", and by adding at the end the following new paragraph:

"(b) CREDIT MADE PART OF GENERAL BUSINESS CREDIT.—(A) CREDIT ALLOWED.—The credit made part of general business credit, in the case of any taxable year, shall be allowed in an amount equal to the excess of—

"(1) business taxable income (as defined in section 38) attributable to a qualified educational institution under paragraph (A)(i) for all projects, over

"(2) the amount of other credit amounts that may be allocated under paragraph (2)(A) which are unused and identified pursuant to subsection (g), which amount is allocated, or

"(3) the amount of other credit amounts that may be allocated under paragraph (2)(A) which are unused and identified pursuant to subsection (g), which amount is not allocated, or

"(4) the amount of other credit amounts that may be allocated under paragraph (2)(A) which are unused and identified pursuant to subsection (g), which amount is allocated, added to the limitation allocable under such subparagraph for such succeeding calendar year.

"(B) RULE FOR UNUSED CREDIT AMOUNTS.—In the case of credit amounts described under paragraph (2)(A) which are unused and identified pursuant to subsection (g), the Secretary shall reallocate any portion of such credit amounts that are unused to certified educational institutions in lieu of imposing the general rule under this section.
(c) Clerical Amendment.—The table of sections for subpart D of part IV of subchapter A of chapter 1, as amended by the preceding provi-
sions of this Act, is amended by adding at the end the follow-
ing new item:—
``Sec. 45A(A). Public university research infra-
structure credit.''.

(d) Effective Date.—The amendments made by this section shall apply to qualified cash con-

SEC. 137502. TREATMENT OF FEDERAL PELL
GRANTS FOR INCOME TAX PURPOSES.

(a) Exclusion from Gross Income.—Section 117(b)(1) is amended by striking ``means any amount'' and all that follows and inserting ''means—''

(1) Any amount received by an individual as a scholarship or fellowship grant to the extent the individual establishes that, in accordance with the conditions of the grant, such amount was used for qualified tuition and related exp-
enses, and

(2) any amount received by an individual after December 31, 2021, as a Federal Pell Grant under section 401 of the Higher Education Act of 1965.

(b) Treatment for Purposes of American Opportunity Tax Credit and Lifetime Learning Credit.—Section 25A(g)(2) is amended—

(1) in subparagraph (A), by inserting ``described in section 21(b)(1)(A)'' after ``a qualified scholarship'', and

(2) in subparagraph (C), by inserting ``or amount described in section 117(b)(1)(B)'' after ''within the meaning of section 102(a)''.

(c) Effective Date.—The amendment made by this section shall apply to taxable years begin-
ing after December 31, 2021.

SEC. 137503. REPEAL OF DENIAL OF AMERICAN OPPORTUNITY TAX CREDIT ON BASIS OF FELONY DRUG CONVICTION.

(a) In General.—Section 25A(b)(2) is amended by striking subparagraph (D).

(b) Effective Date.—The amendment made by this section shall apply to taxable years begin-
ing after December 31, 2021.

PART 6—DEDUCTION FOR STATE AND LOCAL TAXES, ETC.

SEC. 137601. MODIFICATION OF LIMITATION ON DEDUCTION FOR STATE AND LOCAL TAXES, ETC.

(a) In General.—Paragraph (6) of section 164(b) is amended—

(1) by striking ``2022'' in the heading and in-
serting ``2023'',

(2) by striking ``January 1, 2026'' and insert-
ing ``January 1, 2023'',

(3) in subparagraph (A), by inserting ''or sec-
tion 216(a)(1)'' after ''subsection (a)(1)'',

(4) in subparagraph (B),—

(A) by inserting ``(and any tax described in any such paragraph taken into account under section 216(a)(1) after paragraph (5) of this subsection'', and

(B) by striking ``shall not exceed $10,000 ($5,000 for the head of a married individual filing a separate return)'', and inserting ''shall not exceed—''

(i) in the case of any taxable year beginning after December 31, 2021, $80,000 ($40,000 in the case of an estate, trust, or married individual filing a separate re-
turn), and

(ii) in the case of any taxable year beginning after December 31, 2030, $120,000 ($60,000 in the case of an estate, trust, or married individual filing a separate re-
turn), and

(iii) in the case of any taxable year beginning after December 31, 2032, $160,000 ($80,000 in the case of an estate, trust, or married individual filing a separate re-
turn), and

(iv) in the case of any taxable year beginning after December 31, 2032, $200,000 ($100,000 in the case of an estate, trust, or married individual filing a separate re-
turn), and

(v) by striking the last sentence and inserting the following:—

``In the case of taxes paid during a taxable year beginning before January 1, 2021, the Secretary shall apply such rule or other guidance which treat all or a portion of such taxes as paid in a taxable year or years other than the taxable year in which actually paid as necessary or appropriate to prevent the avoidance of the limitations of this para-
graph.''

(b) Effective Date.—The amendments made by this section shall apply to taxable years begin-
ing after December 31, 2020.

(c) No Inference.—The amendments made by paragraph (a) are not intended—

(1) to be construed to create any inference with respect to the proper application of section 164(b)(6) or section 218(b) with respect to any taxable year beginning before January 1, 2021.

Subtitle H—Responsibly Funding Our Priorities

SEC. 138001. AMENDMENT OF 1986 CODE.

Except as otherwise expressly provided, when-
erver in this subtitle an amendment or repeal is expressed in terms of an amendment to, or re-
peal of, a section or other provision, the refer-
ence shall be considered to be made to a sec-

PART 1—CORPORATE AND INTERNATIONAL TAX REFORMS

Subpart A—Corporate Provisions

SEC. 138101. CORPORATE ALTERNATIVE MINIMUM TAX.

(a) Imposition of Tax.—

(1) In General.—Paragraph (2) of section 55(b) is amended to read as follows:

``(2) CORPORATIONS.—In the case of a corporation, the tentative minimum tax for the taxable year shall be the excess of—''

(i) 15 percent of the adjusted financial state-
ment income for the taxable year (as determined under section 56A), over

(ii) the corporate AMT foreign tax credit for the taxable year.

(b) Other Corporations.—In the case of any corporation which is not an applicable corpo-
ration, the tentative minimum tax for the taxable year shall be zero.''

(2) Applicable Corporations.—Section 59 is amended by adding at the end the following new subsection:

``(2) corporate AMT foreign tax credit for the taxable year.''

(c) Clerical Amendment.—The table of sec-
tions for chapter 1 of the Code, as amended by this section, is amended by striking ``Sec. 56A(b)(1)'' and inserting ``Sec. 56A(b)(2)''.

(d) Effective Date.—The amendments made by this section shall apply to taxable years begin-
ing after December 31, 2021.

SEC. 138102. TREATMENT OF FEDERAL PELL GRANTS.

(a) In General.—Section 55(b) is amended by adding at the end the following new subsection:

``(b) Effective Date.—The amendments made by this section shall apply to taxable years begin-
ing after December 31, 2021.''

SEC. 138103. CORPORATE ALTERNATIVE MINIMUM TAXATION.

(a) In General.—Paragraph (6) of section 164(b) is amended—

(1) by striking ``2022'' in the heading and in-
serting ``2023'',

(2) by striking January 1, 2026 and insert-
ing January 1, 2023.

(b) Effective Date.—The amendment made by this section shall apply to taxable years begin-
ing after December 31, 2021.

(c) No Inference.—The amendments made by this section shall apply to taxable years begin-
ing after December 31, 2021.

PART 6—DEDUCTION FOR STATE AND LOCAL TAXES, ETC.
(B)(i) Section 55(h)(1) is amended—

(1) by striking so much as precedes subparagraph (A) and inserting the following:

(1) NONCORPORATE TAXPAYERS.—In the case of a taxpayer other than a corporation—

(II) by adding at the end the following new subparagraph:

"(D) ALTERNATIVE MINIMUM TAXABLE INCOME.—The term ‘alternative minimum taxable income’ means the taxable income of the taxpayer for the taxable year—"

(II) increased by the amount of the items of tax preference described in section 57.

If a taxpayer is subject to the regular tax, such taxpayer shall be subject to the tax imposed by this section (and, if the regular tax is determined by reference to an amount other than taxable income, the amount of such tax shall be treated as the taxable income of such taxpayer for purposes of the preceding sentence)."

(II) Section 860E(a)(4) is amended by striking "55(b)(2)" and inserting "55(b)(1)(D)"

(III) Section 897(a)(2)(A)(i) is amended by striking "55(b)(2)" and inserting "55(b)(1)(D)"

(C) Section 11(d) is amended by striking "the tax imposed by subsection (a) and section 55T(b)(2)" and inserting "the taxes imposed by subsection (a) and section 55T"

(D) Section 12 is amended by adding at the end the following new paragraph:

"(5) For alternative minimum tax, see section 55T."
"(3) FINANCIAL STATEMENT NET OPERATING LOSS DEFINED.—For purposes of this subsection, the term ‘financial statement net operating loss’ means the amount of the net loss (if any) set forth in a corporation’s applicable financial statement (determined after application of subsection (c) and without regard to this subsection) for taxable years ending after December 31, 2018.

"(e) REGULATIONS AND OTHER GUIDANCE.—

The Secretary shall provide for such regulations and other guidance as necessary to carry out the purposes of this section, including regulations and other guidance relating to the effect of the rules of this section on partnerships with income taken into account by an applicable corporation.

(2) CLERICAL AMENDMENT.—The table of sections for part VI of subchapter A of chapter 1 is amended by inserting after the item relating to section 56 the following new item:

“Sec. 56A. Adjusted financial statement income.”.

(c) CORPORATE AMT FOREIGN TAX CREDIT.—

Section 39, as amended by this section, is amended by adding at the end the following new subsection:

“(1) CORPORATE AMT FOREIGN TAX CREDIT.—

(1) in general.—For purposes of this part, if an applicable corporation chooses to have the benefits of subsection (a) of section 31 for any taxable year, the corporate AMT foreign tax credit for the taxable year of the applicable corporation is an amount equal to the lesser of—

(A) the amount of the applicable corporation’s pro rata share of the adjusted financial statement income (as defined under section 36A(c)(3)) of an established securities market (within the meaning of section 7704(b)(1)) (the ‘‘market’’), or

(B) the amount of income, war profits, and excess profits taxes (within the meaning of section 59A) imposed under section 59A for the taxable year beginning after 1986, and

(2) conforming amendments.—Section 53(d) is amended—

(1) in paragraph (2), by striking ‘‘, except that in the case’’ and all that follows through ‘‘treated as zero’’, and

(2) by striking paragraph (3).

(f) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2022.

SEC. 138102. EXCISE TAX ON REPURCHASE OF CORPORATE STOCK.

(a) In General.—Subtitle D is amended by inserting after section 45 the following new chapter:

"CHAPTER 37—REPURCHASE OF CORPORATE STOCK

"Sec. 4501. Repurchase of corporate stock.

"Sec. 4501. REPURCHASE OF CORPORATE STOCK.

(a) GENERAL RULE.—There is hereby imposed on each covered corporation a tax equal to 1 percent of the fair market value of any stock of the covered corporation acquired by such corporation during the taxable year.

(b) COVERED CORPORATION.—For purposes of this section, the term ‘‘covered corporation’’ means any domestic corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).

(c) REPURCHASE.—For purposes of this section—

(1) In General.—The term ‘‘repurchase’’ means—

(A) a redemption within the meaning of section 317(b) with regard to the stock of a covered corporation, and

(B) any transaction determined by the Secretary to be economically similar to a transaction described in subparagraph (A).

(2) REQUIREMENT OF PURCHASES BY SPECIFIED AFFILIATES.—

(A) in general.—The acquisition of stock of a covered corporation by a specified affiliate of such covered corporation shall be treated as a repurchase of the stock of the covered corporation by such covered corporation.

(B) SPECIFIED AFFILIATE.—For purposes of this section, the term ‘‘specified affiliate’’ means—

(1) in general.—The acquisition of stock of a covered corporation by a specified affiliate of such covered corporation, or by a person who is not the covered corporation or a specified affiliate of such covered corporation, shall be treated as a repurchase of the stock of the covered corporation by such covered corporation.

(2) SURROGATE FOREIGN CORPORATIONS.—In the case of a repurchase of stock of a covered surrogate foreign corporation by such covered surrogate foreign corporation, or an acquisition of stock of a covered surrogate foreign corporation by a specified affiliate of such corporation, for purposes of this section—

(A) the expatriated entity with respect to such covered surrogate foreign corporation shall be treated as a covered corporation with respect to such repurchase or acquisition, and

(B) such repurchase or acquisition shall be treated as a repurchase of stock of a covered corporation by such covered corporation, and

(C) the adjustment under subsection (c)(3) shall be determined only with respect to stock issued by such specified affiliate to employees of the specified affiliate.

(2) DEFINITIONS.—For purposes of this section—

(A) APPLICABLE FOREIGN CORPORATION.—The term ‘‘applicable foreign corporation’’ means any foreign corporation the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)).

(B) COVERED SURROGATE FOREIGN CORPORATION.—The term ‘‘covered surrogate foreign corporation’’ means any surrogate foreign corporation (as determined under section 7874(a)(2)(B) by substituting ‘‘September 20, 2021’’ for ‘‘March 4, 2003’’ each place it appears) the stock of which is traded on an established securities market (within the meaning of section 7704(b)(1)), but only with respect to taxable years which include a portion of the applicable period with respect to such corporation under section 7874(d)(1).

(C) EXPATRIATED ENTITY.—The term ‘‘expatriated entity’’ has the meaning given such term by section 7874(a)(2)(A).

(e) EXCEPTIONS.—(Subsection (a) shall not apply—

(1) to the extent that the repurchase is part of a reorganization (within the meaning of section 368(a)) and no gain or loss is recognized on such repurchase by the shareholder under chapter 1, or

(2) in any case in which the stock repurchased is, or an amount of stock equal to the value of the stock repurchased is, contributed to a shareholder-sponsored plan, or employee stock ownership plan, or similar plan,

(3) in any case in which the total value of the stock repurchased during the taxable year does not exceed $1,000,000.

(4) under regulations prescribed by the Secretary, in cases in which the repurchase is by a dealer in securities in the ordinary course of business.

(5) to repurchases by a regulated investment company (as defined in section 851) or a real estate investment trust, or

(6) to the extent that the repurchase is treated as a dividend for purposes of this title.

(f) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations and other guidance as are necessary or appropriate to administer and to prevent the avoidance of
the purposes of this section, including regulations and other guidance—

(1) to prevent the abuse of the exceptions provided by subsection (e),

(2) to address special classes of stock and preferred stock, and

(3) for the application of the rules under subsection (d).

(b) TAX NOT DEDUCTIBLE.—Paragraph (6) of section 252(a) is amended by inserting "37, " before "38,",

(c) CLERICAL AMENDMENT.—The table of chapters for subtitle D is amended by inserting after the item relating to chapter 36 the following new item:

"CHAPTER 37.—REPURCHASE OF CORPORATE STOCK".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to repurchases (within the meaning of section 450(c) of the Internal Revenue Code of 1986, as added by this section) of stock after December 31, 2021.

Subpart B—Limitations on Deduction for Interest Expense

SEC. 138111. LIMITATIONS ON DEDUCTION FOR INTEREST EXPENSE.

(a) INTEREST EXPENSE OF CERTAIN MEMBERS OF INTERNATIONAL FINANCIAL REPORTING GROUPS.—Section 163(j) is amended by redesignating subsection (n) as subsection (p) and by inserting after subsection (n) the following new subsection:

"(q) LIMITATION ON DEDUCTION FOR INTEREST EXPENSE OF CERTAIN MEMBERS OF INTERNATIONAL FINANCIAL REPORTING GROUPS.—

"(1) IN GENERAL.—The case of any specified domestic corporation which is a member of any international financial reporting group, the deduction under this chapter for interest paid or accrued during the taxable year in excess of the amount of interest includible in the gross income of such corporation shall not exceed the allowable percentage of 10 percent of such excess.

"(2) INTEREST EXPENSE.—For purposes of this subsection—

"(A) IN GENERAL.—The term "specified domestic corporation" means any domestic corporation other than—

(i) any corporation if the excess of—

(I) the average amount of interest paid or accrued by such corporation during the 3-taxable-year period ending with the taxable year to which paragraph (1) applies, over

(II) an amount of interest includible in the gross income of such corporation for such 3-taxable-year period, does not exceed $12,500,000,

(ii) any corporation to which paragraph (1) of section 163(j) does not apply by reason of paragraph (3) of such section (determined without regard to paragraph (4)(B) of such section), and

(iii) any S corporation, real estate investment trust, or regulated investment company.

"(B) ADJUSTMENT.—For purposes of clauses (i) and (ii) of subparagraph (A), all domestic corporations which are members of the same international financial reporting group shall be treated as a single corporation.

"(C) FOREIGN CORPORATIONS ENGAGED IN TRADE OR BUSINESS WITHIN THE UNITED STATES.—If a foreign corporation is engaged in a trade or business within the United States, such foreign corporation shall be treated as a domestic corporation with respect to the items that are effectively connected with such trade or business.

"(D) INTERNATIONAL FINANCIAL REPORTING GROUP.—For purposes of this subsection—

(1) the term "international financial reporting group" means, with respect to any reporting year, two or more entities if—

(I) at least one entity is a foreign corporation engaged in a trade or business within the United States, or

(II) such entity is a domestic corporation and another entity is a foreign corporation, and

(ii) such entities are included in the same applicable financial statement with respect to such year.

(2) ELECTION TO INCLUDE ELIGIBLE CORPORATIONS IN REPORTING GROUP.—

"(1) IN GENERAL.—To the extent provided by the Secretary in regulations or other guidance, an international financial reporting group may treat (at the election of each member as the Secretary may provide) all eligible corporations with respect to such group as members of such group for purposes of this subsection. As a condition of being a member of such eligible corporations must maintain (and provide access to) such books and records as the Secretary determines are satisfactory to allow for the application of subparagraph (a) with respect to such eligible corporations. Such election may be revoked only with the consent of the Secretary.

"(2) ELIGIBLE CORPORATION.—The term "eligible corporation" means, with respect to any international financial reporting group, any corporation if at least 20 percent of the stock of such corporation (determined by vote and value) is held (directly or indirectly) by members of such international financial reporting group (determined without regard to this subparagraph).

"(3) ALLOWABLE PERCENTAGE.—For purposes of this subsection—

"(A) IN GENERAL.—The term "allowable percentage" means—

(I) the aggregate amount of interest expense reported in such group's applicable financial statements for such taxable year, over

(II) the aggregate amount of interest income reported in such group's applicable financial statements for such taxable year, and

(ii) the amount of interest income of such corporation reported in books and records.

"(B) ALLOCABLE SHARE OF REPORTED NET INTEREST EXPENSE.—With respect to any specified domestic corporation for any taxable year, the term "allocable share of reported net interest expense" means—

"(i) with respect to any international financial reporting group for any reporting year, the excess of—

(I) the amount of interest expense of such corporation reported in such group's applicable financial statements for such taxable year, over

(II) the amount of interest income of such corporation reported in such group's applicable financial statements for such taxable year, and

(ii) the amount of interest income of such corporation reported in such group's applicable financial statements for such taxable year, over

(III) the amount of interest income of such corporation reported in such group's applicable financial statements for such taxable year.

"(C) ALLOCABLE SHARE OF REPORTED NET INTEREST EXPENSE.—With respect to any specified domestic corporation for any taxable year, the term "allocable share of reported net interest expense" means—

"(i) with respect to any international financial reporting group for any reporting year, the excess of—

(I) the amount of interest expense of such corporation reported in such group's applicable financial statements for such taxable year, over

(II) the amount of interest income of such corporation reported in such group's applicable financial statements for such taxable year, and

(ii) the amount of interest income of such corporation reported in such group's applicable financial statements for such taxable year.

"(D) INTEREST EXPENSE.—The term 'interest expense' means, with respect to any international financial reporting group, any interest paid or accrued during the taxable year to which paragraph (1) applies, over

(1) the EBITDA of such corporation for such reporting year, and

(2) the EBITDA of such group for such reporting year.

"(E) PROVIDES RULES FOR THE APPLICATION OF THIS SUBSECTION.—(1) IN GENERAL.—The term 'EBITDA' means, with respect to any reporting year, earnings before interest income and interest expense, taxes, depreciation, depletion, and amortization—

(I) as determined in the books and records of the international financial reporting group's applicable financial statements for such year, or

(II) as determined in the books and records of the international financial reporting group which are used in preparing such statements if not determined in such statements.

(2) ELECTION TO INCLUDE ELIGIBLE CORPORATIONS IN REPORTING GROUP.—The EBITDA of any specified domestic corporation shall be determined on a stand-alone basis and without regard to any international financial reporting group from any other member of the international financial reporting group.

(E) SPECIAL RULES FOR NON-POSITIVE ENTITIES.—

"(1) NON-POSITIVE GROUP EBITDA.—In the case of any international financial reporting group that includes an EBITDA of which is zero or less, paragraph (1) shall not apply to any specified domestic corporation which is a member of such group.

"(2) NON-POSITIVE ENTITY EBITDA.—In the case of any specified domestic corporation which is a member of the international financial reporting group with an EBITDA of which is zero or less, the allowable percentage shall be 6 percent.

"(F) APPLICABLE FINANCIAL STATEMENT.—For purposes of this subsection, the term 'applicable financial statement' has the meaning given such term in section 451(b)(3).

"(G) REPORTING YEAR.—For purposes of this subsection, the term 'reporting year' means any year for which an applicable financial statement is prepared or required to be prepared.

"(H) CORPORATION.—For purposes of this subsection, the term 'specified domestic corporation' means any domestic corporation which is a partner (directly or indirectly) in any partnership, or a member (directly or indirectly) in any electing small business partnership or S corporation, this subsection shall be applied as if such entity was a separate domestic corporation.

"(I) TREATMENT OF NON-PARTNERSHIP OR S CORPORATION.—In the case of a domestic corporation if at least 20 percent of the stock of such corporation (determined by vote and value) is held (directly or indirectly) by members of such international financial reporting group (determined without regard to this subparagraph).

"(J) PROVIDES RULES FOR THE APPLICATION OF THIS SUBSECTION.—(1) IN GENERAL.—The term 'special purpose entity' means any domestic corporation for purposes of any determination or calculation under this subsection.

"(K) DISREGARDS EBITDA.—(1) IN GENERAL.—The term 'EBITDA' means, with respect to any reporting year, earnings before interest income and interest expense, taxes, depreciation, depletion, and amortization—

(I) as determined in the books and records of the international financial reporting group's applicable financial statements for such year, or

(II) as determined in the books and records of the international financial reporting group which are used in preparing such statements if not determined in such statements.
Section 172(d) is amended by striking paragraph (9).

(d) EFFECTIVE DATE.—

(1) IN GENERAL.—Section 898(c) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(e) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(f) MADE IN JAPAN.—In the case of a corporation that is a domestic corporation for taxable years beginning after December 31, 2022, section 250(a)(1)(B) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(iii) the percentage in effect in section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(1) the pre-effective date percentage of 50 percent, plus

(2) the post-effective date percentage of 28.5 percent.

(g) TIME LIMIT.—For purposes of this subsection, with respect to any taxable year—

(A) the term ‘pre-effective date percentage’ means the ratio that the number of days in such taxable year which are before January 1, 2022, bears to the number of days in such taxable year, and

(B) the term ‘post-effective date percentage’ means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.

SEC. 138122. REPEAL OF ELECTION FOR 1-MONTH DEFERRAL IN DETERMINATION OF TAXABLE YEAR OF SPECIFIED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 898(c) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(c) TRANSITION RULE.—In the case of a corporation that is a domestic corporation for taxable years beginning after December 31, 2022, section 250(a)(1)(B) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(iii) the percentage in effect in section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(1) the pre-effective date percentage of 50 percent, plus

(2) the post-effective date percentage of 28.5 percent.

(d) EFFECTIVE DATE.—For purposes of this subsection, with respect to any taxable year—

(A) the term ‘pre-effective date percentage’ means the ratio that the number of days in such taxable year which are before January 1, 2022, bears to the number of days in such taxable year, and

(B) the term ‘post-effective date percentage’ means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.

SEC. 138123. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO CERTAIN TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) IN GENERAL.—Section 901 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(c) TRANSITION RULE.—In the case of a corporation that is a domestic corporation for taxable years beginning after December 31, 2022, section 250(a)(1)(B) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(iii) the percentage in effect in section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(1) the pre-effective date percentage of 50 percent, plus

(2) the post-effective date percentage of 28.5 percent.

(d) EFFECTIVE DATE.—For purposes of this subsection, with respect to any taxable year—

(A) the term ‘pre-effective date percentage’ means the ratio that the number of days in such taxable year which are before January 1, 2022, bears to the number of days in such taxable year, and

(B) the term ‘post-effective date percentage’ means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.

SEC. 138122. REPEAL OF ELECTION FOR 1-MONTH DEFERRAL IN DETERMINATION OF TAXABLE YEAR OF SPECIFIED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 898(c) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(c) TRANSITION RULE.—In the case of a corporation that is a domestic corporation for taxable years beginning after December 31, 2022, section 250(a)(1)(B) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(iii) the percentage in effect in section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(1) the pre-effective date percentage of 50 percent, plus

(2) the post-effective date percentage of 28.5 percent.

(d) EFFECTIVE DATE.—For purposes of this subsection, with respect to any taxable year—

(A) the term ‘pre-effective date percentage’ means the ratio that the number of days in such taxable year which are before January 1, 2022, bears to the number of days in such taxable year, and

(B) the term ‘post-effective date percentage’ means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.

SEC. 138123. MODIFICATIONS OF FOREIGN TAX CREDIT RULES APPLICABLE TO CERTAIN TAXPAYERS RECEIVING SPECIFIC ECONOMIC BENEFITS.

(a) IN GENERAL.—Section 901 is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(c) TRANSITION RULE.—In the case of a corporation that is a domestic corporation for taxable years beginning after December 31, 2022, section 250(a)(1)(B) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(iii) the percentage in effect in section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(1) the pre-effective date percentage of 50 percent, plus

(2) the post-effective date percentage of 28.5 percent.

(d) EFFECTIVE DATE.—For purposes of this subsection, with respect to any taxable year—

(A) the term ‘pre-effective date percentage’ means the ratio that the number of days in such taxable year which are before January 1, 2022, bears to the number of days in such taxable year, and

(B) the term ‘post-effective date percentage’ means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.

SEC. 138122. REPEAL OF ELECTION FOR 1-MONTH DEFERRAL IN DETERMINATION OF TAXABLE YEAR OF SPECIFIED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 898(c) is amended by striking paragraph (2) and redesignating paragraph (3) as paragraph (2).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of specified foreign corporations beginning after November 30, 2022.

(c) TRANSITION RULE.—In the case of a corporation that is a domestic corporation for taxable years beginning after December 31, 2022, section 250(a)(1)(B) of the Internal Revenue Code of 1986 shall be treated as being equal to the sum of—

(i) the pre-effective date percentage of 50 percent, plus

(ii) the post-effective date percentage of 24.8 percent, and

(iii) the percentage in effect in section 250(a)(1)(B) of such Code shall be treated as being equal to the sum of—

(1) the pre-effective date percentage of 50 percent, plus

(2) the post-effective date percentage of 28.5 percent.

(d) EFFECTIVE DATE.—For purposes of this subsection, with respect to any taxable year—

(A) the term ‘pre-effective date percentage’ means the ratio that the number of days in such taxable year which are before January 1, 2022, bears to the number of days in such taxable year, and

(B) the term ‘post-effective date percentage’ means the ratio that the number of days in such taxable year which are after December 31, 2022, bears to the number of days in such taxable year.
“(A) GENERAL RULE.—Notwithstanding any other provision of this chapter, any amount paid or accrued by a dual capacity taxpayer to a foreign country or possession of the United States for any period shall not be considered a tax—

“(A) if, for such period, the foreign country or possession does not impose a generally applicable income tax, or

“(B) to the extent such amount exceeds the amount which would be paid or accrued by such dual capacity taxpayer under the generally applicable income tax imposed by such country or possession if such taxpayer were not a dual capacity taxpayer.

Nothing in this paragraph shall be construed to imply the proper treatment of any such amount not in excess of the amount determined under subparagraph (B).”

“(B) DETERMINATION OF TAXABLE UNITS.—For purposes of this subsection, the term ‘dual capacity taxpayer’ means, with respect to any foreign country or possession of the United States, a person who—

“(A) is subject to a levy of such country or possession, and

(B) receives (or will receive) directly or indirectly any economic benefit from such country or possession (or any political subdivision, agency, or instrumentality thereof).

“(3) GENERAL APPLICABLE INCOME TAX.—For purposes of this subsection, the term ‘generally applicable income tax’ means an income tax (or a series of income taxes) which is generally imposed under the laws of a foreign country or possession of the United States, or of any political subdivision, agency, or instrumentality thereof.

“(C) IN GENERAL.—Subsection (d)(1)(A) on a proportionate basis shall be applied separately by reason of any provision of this Act, is amended—

“(1) by striking ‘in the first preceding taxable year, and’

“(B) TREATMENT OF INCOME TAX BASE DIFFERENCES.—The Secretary shall issue regulations or other guidance applying such terms to activities in a country that do not give rise to a taxable presence.

“(D) TREATMENT OF FISCALLY AUTONOMOUS JURISDICTIONS.—Any fiscally autonomous jurisdiction shall be treated as a separate country. Any possession of the United States shall also be treated as a separate country. Any possession of the United States, over any income category, the amount by which the gross income from sources outside the United States is exceeded by the sum of the deductions properly allocated and apportioned thereto.

“(3) AMENDMENTS.—Subsection (d)(2) is amended—

“(A) by striking clause (i) of subparagraph (B); and

“(B) by striking ‘‘in the first preceding taxable year, and’’.

“(4) REGULATIONS.—The Secretary shall issue regulations or other guidance as may be necessary or appropriate to carry out, or prevent avoidance of, the purposes of this subsection, including regulations or other guidance—

“(A) providing for the application of this section to an entity or arrangement that is considered a tax resident of more than one country or of no country,

“(B) providing for the application of this section to hybrid entities or hybrid transactions (as such terms are defined in section 267A), pass-through entities, passive foreign investment companies, trusts, and other entities or arrangements not otherwise described in this subsection, and

“(C) providing for the assignment of any item (including foreign taxes and deductions) to taxable units, including in the case of amounts not otherwise taken into account in determining taxable income under this chapter.”.

“(2) APPLICATION OF SEPARATE LIMITATION LOSSES WITH RESPECT TO GLOBAL INTANGIBLE LOW-TAXED INCOME.—

“(A) IN GENERAL.—Section 904(f)(5)(B) is amended to read as follows:—

“(B) ALLOCATION OF LOSSES.—Except as otherwise provided in this subparagraph, the separate limitation losses for any taxable year (to the extent such losses do not exceed the separate limitation income for such year) shall be allocated among (and operate to reduce) such income on a proportionate basis. In the case of a separate limitation loss for any taxable year in respect of any income category (other than subparagraph (d)(1)(A), the amount of such separate limitation loss shall be allocated among (and operate to reduce) separate limitation income in any other income category (including such subparagraph (d)(1)(A)) on a proportionate basis (without regard to income described in subparagraph (d)(1)(A)). The remaining separate limitation losses may reduce separate limitation income described in subparagraph (d)(1)(A) only to the extent that the aggregate amount of such respective losses does not exceed the aggregate amount of such respective incomes.

“(B) INCOME CATEGORY.—Section 904(f)(5)(E)(i) is amended to read as follows:—

“(i) INCOME CATEGORY.—The term ‘income category’ means each category of income with respect to which this section is required to be applied separately by reason of any provision of this title.

“(ii) SEPARATE LIMITATION LOSS.—Section 904(f)(5)(E)(iii) is amended to read as follows:—

“(A) if, for such period, the foreign country or possession if such taxpayer were not a dual capacity taxpayer, the term ‘taxpayer’ means a tax resident of a country other than the country with respect to which such taxpayer or controlled foreign corporation (as the case may be) is a tax resident.

“(2) TAXABLE UNITS.—Subparagraph (B).

“(B) INCOME CATEGORY.—Subparagraph (A) is amended—

“(A) by striking clause (i) of subparagraph (B); and

“(B) by striking ‘‘in the first preceding taxable year, and’’.

“(C) AMENDMENTS.—Subsection (d)(2) is amended—

“(A) by striking clause (i) of subparagraph (B); and

“(B) by striking ‘‘in the first preceding taxable year, and’’.

“(4) REGULATIONS.—The Secretary shall issue regulations or other guidance as may be necessary or appropriate to carry out, or prevent avoidance of, the purposes of this subsection, including regulations or other guidance—

“(A) providing for the application of this section to an entity or arrangement that is considered a tax resident of more than one country or of no country,

“(B) providing for the application of this section to hybrid entities or hybrid transactions (as such terms are defined in section 267A), pass-through entities, passive foreign investment companies, trusts, and other entities or arrangements not otherwise described in this subsection, and

“(C) providing for the assignment of any item (including foreign taxes and deductions) to taxable units, including in the case of amounts not otherwise taken into account in determining taxable income under this chapter.”.

“(H) TREATMENT OF INCOME TAX BASE DIFFERENCES.—The Secretary shall issue regulations or other guidance assigning to the proper country or possession of income tax imposed under the law of a foreign country or possession of the United States on an amount which does not constitute income under United States tax principles.

“(B) TEMPORARY LIMITATION OF CARRYBACK AND CARRYFORWARD.—

“(1) REPEAL OF CARRYBACK.—Section 904(c) is amended—

“(A) by striking ‘‘in the first preceding taxable year, and’’;

“(B) by striking ‘‘preceding or’’ each place it appears, and

“(C) by striking ‘‘CARRYBACK AND’’ in the heading thereof.

“(2) LIMITATION OF CARRYBACK TO 5 TAXABLE YEARS.—Section 904(c), as amended by the preceding provisions of this Act, is amended—

“(A) by striking any amount which by all taxes’ and all that precedes it and inserting the following:

“(C) CARRYBACK AND CARRYOVER OF EXCESS TAX PAYMENTS.—

“(1) IN GENERAL.—Any amount which by all taxes’ and
(ii) by adding at the end the following new paragraph:

"(E) there is any other change in the amount, or treatment, of taxes, which affects the taxpayer's tax liability under this chapter."

(2) MODIFICATION TO TIME FOR CLAIMING CREDIT.—Section 6511(a) is amend-

ed by striking the second sentence and inserting the following: "Such choice for any taxable year may be made at any time before the expiration of the period prescribed by section 6511 for making a claim for credit or refund of an overpayment of the tax imposed by this chapter for such taxable year that is attributable to such amounts." (3) MODIFICATION TO SPECIAL PERIOD OF LIMITATION.—Section 931(d)(3) is amended—

(A) by inserting "A change in the liability for" before "any taxes paid or accrued";

(B) by striking "paid (or deemed paid under section 960)", and

(C) by inserting "CHANGE IN THE LIABILITY FOR" before "FOREIGN TAXES" in the heading thereof.

(B) COVERED ASSET DISPOSITION.—For purposes of this subsection, the term "covered asset disposition", for purposes of this Act, is amended by adding at the end the following new paragraph:

"(B) COVERED ASSET DISPOSITION.—For purposes of this paragraph, the term 'covered asset disposition' means any transaction which—

(A) is treated as a disposition of assets under subchapter N of this chapter, and

(B) is treated as a disposition of a stock of a corporation (or is disregarded) for purposes of the tax laws of a relevant foreign country or possession of the United States.

(C) REGULATIONS.—The Secretary shall issue such regulations or other guidance providing for the application of subsections (d), (e), (f), and (g) of section 904 of the Internal Revenue Code of 1986 (as amended by this Act) with respect to amounts carried over under subsections (c), (f), or (g) from a taxable year with respect to which subsection (e) of such section does not apply to a taxable year with respect to which such section does not apply.

(2) MODIFICATION TO TIME FOR CLAIMING CREDIT.—Section 6511(a) is amend-

ed by striking the second sentence and inserting the following: "Such choice for any taxable year may be made at any time before the expiration of the period prescribed by section 6511 for making a claim for credit or refund of an overpayment of the tax imposed by this chapter for such taxable year that is attributable to such amounts." (3) MODIFICATION TO SPECIAL PERIOD OF LIMITATION.—Section 931(d)(3) is amended—

(A) by inserting "A change in the liability for" before "any taxes paid or accrued";

(B) by striking "paid (or deemed paid under section 960)", and

(C) by inserting "CHANGE IN THE LIABILITY FOR" before "FOREIGN TAXES" in the heading thereof.

(B) COVERED ASSET DISPOSITION.—For purposes of this subsection, the term "covered asset disposition", for purposes of this Act, is amended by adding at the end the following new paragraph:

"(B) COVERED ASSET DISPOSITION.—For purposes of this paragraph, the term 'covered asset disposition' means any transaction which—

(A) is treated as a disposition of assets under subchapter N of this chapter, and

(B) is treated as a disposition of a stock of a corporation (or is disregarded) for purposes of the tax laws of a relevant foreign country or possession of the United States.

(C) REGULATIONS.—The Secretary shall issue such regulations or other guidance providing for the application of subsections (d), (e), (f), and (g) of section 904 of the Internal Revenue Code of 1986 (as amended by this Act) with respect to amounts carried over under subsections (c), (f), or (g) from a taxable year with respect to which subsection (e) of such section does not apply to a taxable year with respect to which such section does not apply.

(2) MODIFICATION TO TIME FOR CLAIMING CREDIT.—Section 6511(a) is amend-

ed by striking the second sentence and inserting the following: "Such choice for any taxable year may be made at any time before the expiration of the period prescribed by section 6511 for making a claim for credit or refund of an overpayment of the tax imposed by this chapter for such taxable year that is attributable to such amounts." (3) MODIFICATION TO SPECIAL PERIOD OF LIMITATION.—Section 931(d)(3) is amended—

(A) by inserting "A change in the liability for" before "any taxes paid or accrued";

(B) by striking "paid (or deemed paid under section 960)", and

(C) by inserting "CHANGE IN THE LIABILITY FOR" before "FOREIGN TAXES" in the heading thereof.

(B) COVERED ASSET DISPOSITION.—For purposes of this subsection, the term "covered asset disposition", for purposes of this Act, is amended by adding at the end the following new paragraph:

"(B) COVERED ASSET DISPOSITION.—For purposes of this paragraph, the term 'covered asset disposition' means any transaction which—

(A) is treated as a disposition of assets under subchapter N of this chapter, and

(B) is treated as a disposition of a stock of a corporation (or is disregarded) for purposes of the tax laws of a relevant foreign country or possession of the United States.

(C) REGULATIONS.—The Secretary shall issue such regulations or other guidance providing for the application of subsections (d), (e), (f), and (g) of section 904 of the Internal Revenue Code of 1986 (as amended by this Act) with respect to amounts carried over under subsections (c), (f), or (g) from a taxable year with respect to which subsection (e) of such section does not apply to a taxable year with respect to which such section does not apply.
“(2) the treatment of property if the avoidance of the purposes of this section is a factor in the transfer or holding of such property.

(3) appropriate adjustments to the basis of stock and other ownership interests for purposes of carrying losses and profits, to reflect losses (whether or not taken into account in determining global intangible low-taxed income).

(4) rules similar to the rules provided under section 904(e)(4).

(5) other appropriate basis adjustments.

(6) appropriate adjustments to be made, and appropriate tax attributes and records to be maintained, separately with respect to CFC taxable income, CFC losses, U.S. parent stock and other ownership interests, and to taxable years of foreign corporations end.

(2) CONFORMING AMENDMENT.—Section 951A(d) is amended—

(A) by striking paragraph (4), and

(B) by redesignating the second paragraph (3) (relating to partnership property) as paragraph (4).

(c) CARRYOVER OF NET CFC TESTED LOSS.—

(1) IN GENERAL.—Section 951A(c) is amended by adding at the end the following new paragraph:

(2) CARRYOVER OF NET CFC TESTED LOSS.—

(A) IN GENERAL.—If the amount described in paragraph (1)(B) with respect to any United States shareholder for any taxable year of such United States shareholder (determined after the application of this paragraph with respect to amounts arising in preceding taxable years) exceeds the amount described in paragraph (1)(A) with respect to such shareholder of such taxable year, the amount otherwise described in paragraph (1)(B) with respect to such shareholder for the succeeding taxable year shall be increased by such excess.

(B) PROPER ADJUSTMENT IN ALLOCATIONS OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—Proper adjustments shall be made in the application of subsection (2)(B)(2)(B) to take into account any decrease in global intangible low-taxed income by reason of the application of subparagraph (A) of subsection (2)(B)(2)(B).

(2) CARRYOVER OF NET CFC TESTED LOSS.—

(A) IN GENERAL.—If the amount described in paragraph (1)(B) with respect to any United States shareholder for any taxable year of such United States shareholder (determined after the application of this paragraph with respect to amounts arising in preceding taxable years) exceeds the amount described in paragraph (1)(A) with respect to such shareholder of such taxable year, the amount otherwise described in paragraph (1)(B) with respect to such shareholder for the succeeding taxable year shall be increased by such excess.

(B) PROPER ADJUSTMENT IN ALLOCATIONS OF GLOBAL INTANGIBLE LOW-TAXED INCOME TO CONTROLLED FOREIGN CORPORATIONS.—Proper adjustments shall be made in the application of subsection (2)(B)(2)(B) to take into account any decrease in global intangible low-taxed income by reason of the application of subparagraph (A) of subsection (2)(B)(2)(B).

(3) APPLICATION OF RULES WITH RESPECT TO OWNERSHIP CHANGES.—Section 382(d) is amended by adding at the end the following new paragraph:

(4) APPLICATION TO CARRYOVER OF NET CFC TESTED LOSS.—

The term ‘pre-change loss’ shall include any excess carried over under section 951A(c)(3) under rules similar to the rules of paragraph (1)(A).

(5) REDUCTION IN NET DEEMED TANGIBLE INCOME RETURN FOR PURPOSES OF DETERMINING GLOBAL INTANGIBLE LOW-TAXED INCOME.—

(1) Section 961(g)(2)(A) is amended by striking ‘‘90 percent’’ and inserting ‘‘80 percent’’.

(2) Section 961(g)(2)(A) is amended by striking ‘‘95 percent (100 percent in the case of tested foreign income taxes paid or accrued to a possession of the United States)’’.  

(b) INCLUSION OF TAXES PROPERLY ATTRIBUTABLE TO TESTED INCOME.—

(1) IN GENERAL.—Section 960(d)(3) is amended to read as follows:

(2) TESTED FOREIGN INCOME TAXES.—For purposes of paragraph (1), the term ‘‘tested foreign income taxes’’ means, with respect to any tested foreign income tax of a controlled foreign corporation—

(A) the foreign income taxes paid or accrued by such foreign corporation (other than a controlled foreign corporation) which are properly attributable to the tested income or tested loss of such foreign corporation taken into account by such domestic corporation under section 951A, and

(B) solely to the extent provided in regulations prescribed by the Secretary, the foreign income taxes (as so defined) paid or accrued by a foreign corporation (other than a controlled foreign corporation) which owns, directly or indirectly, 80 percent or more (by vote or value) of the stock in such domestic corporation but only if—

(i) such foreign income taxes are properly attributable to amounts of such controlled foreign corporation taken into account in determining tested income or tested loss under section 951A(c)(2), and

(ii) no credit is allowed, in whole or in part, for such foreign income taxes (as so defined) on the basis of foreign income taxes (as so defined) paid or accrued by a foreign corporation (other than a controlled foreign corporation) which owns, directly or indirectly, 80 percent or more (by vote or value) of the stock in such domestic corporation but only if—

(i) such foreign income taxes are properly attributable to amounts of such controlled foreign corporation taken into account in determining tested income or tested loss under section 951A(c)(2), and

(ii) no credit is allowed, in whole or in part, for such foreign income taxes (as so defined) on the basis of foreign income taxes (as so defined) paid or accrued by a foreign corporation (other than a controlled foreign corporation) which owns, directly or indirectly, 80 percent or more (by vote or value) of the stock in such domestic corporation but only if—

(iii) such foreign income taxes are properly attributable to amounts of such controlled foreign corporation taken into account in determining tested income or tested loss under section 951A(c)(2), and

(2) CONFORMING AMENDMENT.—Section 961(g)(2)(B) is amended by striking the aggregate amount described in section 951A(c)(1)(A)(4) and inserting ‘‘the net CFC tested income (as defined in section 951A(c)(1))’’.

(c) APPLICATION OF TAX CREDIT LIMITATION TO AMOUNTS INCLUDED UNDER SECTION 78.—

(1) Section 90(d)(4)(C) is amended by redesignating subparagraph (K) as subparagraph (L) and by inserting after subparagraph (J) the following new subparagraph:

(2) Section 951A(a) is amended by striking paragraph (K) and inserting—

“(K) amounts included under section 78—Any amount includable in gross income under section 78 shall be treated as income in the same separate category as the related foreign investment income tax credit.”.
in effect under this paragraph, such foreign corporation with respect to which an election is made—

(1) Section 951(b) were applied by substituting 'more than 50 percent' for '10 percent' and (ii)''.

(2) Section 958(b) were applied without regard to paragraph (4) thereof.

(c) FOREIGN CONTROLLED UNITED STATES SHAREHOLDERS.—For purposes of this section, the term 'foreign controlled foreign corporation' means a foreign corporation, other than a controlled foreign corporation, which would be a controlled foreign corporation if section 957(a)(1) were applied—

(1) by substituting 'foreign controlled United States shareholders' for 'United States shareholders', and

(2) by substituting 'section 958(b) (other than paragraph (4) thereof)' for 'section 958(b)'.

(d) REGULATIONS.—The Secretary shall prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance for—

(1) to treat a foreign controlled United States shareholder or a foreign controlled foreign corporation as a United States shareholder or as a controlled foreign corporation, respectively, for purposes of provisions of this title other than this subpart, and

(2) to prevent the avoidance of the purposes of this Act, and

Section 957(a) is amended to read as follows:

"(a) CONTROLLED FOREIGN CORPORATION.—For purposes of this title—

"(1) IN GENERAL.—The term 'controlled foreign corporation' means any foreign corporation if more than 50 percent of—

"(A) the total combined voting power of all classes of stock of such corporation entitled to vote, or

"(B) the total value of the stock of such corporation, owned (within the meaning of section 958(a)), or is considered as owned by applying the rules of section 958(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"(2) ELECTION TO TREAT A FOREIGN CORPORATION AS A CONTROLLED FOREIGN CORPORATION FOR CERTAIN PURPOSES.—

"(A) IN GENERAL.—In the case of a foreign corporation with respect to which an election is in effect under this paragraph, such foreign corporation shall be treated as a controlled foreign corporation for purposes of this title.

"(B) EXCEPTION.—Notwithstanding any other provision of this paragraph, a foreign corporation shall not be treated as a controlled foreign corporation by reason of this paragraph for purposes of any provision of this title if the Secretary determines that treatment of such foreign corporation as a controlled foreign corporation for purposes of such provision would be inconsistent with the purposes of this subchapter.

"(C) ELECTION.—

"(i) BY WHOM.—An election under subparagraph (A) shall be effective only if made by the foreign corporation and by all United States shareholders of such foreign corporation (determined as of the time of such election by such foreign corporation).

"(ii) EFFECTIVE DATE.—An election under this paragraph, once effective, shall apply to such foreign corporation and to all United States shareholders of such foreign corporation (including any person who becomes a United States shareholder of such foreign corporation after such election takes effect).

"(ii) TIME, MANNER, ETC.—The election under this paragraph shall be made at such time and in such manner as the Secretary may provide and, once effective, may be revoked only with the consent of the Congress.

"(D) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including regulations or other guidance for the application of this paragraph to an acquisition described in section 381(a) with respect to any corporation to which such regulations or other guidance apply.

"(3) Section 958(b) is amended—

"(A) by inserting after paragraph (3) the following:

"(4) Subparagraphs (A), (B), and (C) of section 381(a)(3) shall not be applied so as to consider a United States person as owning stock which is owned by a person who is not a United States person, and

"(B) by striking 'Paragraph (1)' in the last sentence and inserting "Paragraphs (1) and (4)'

"(4) Section 958(b) is amended—

"(A) by striking "the earnings and profits of a controlled foreign corporation" and inserting "the earnings and profits of a foreign corporation"

"(B) by striking ‘another controlled foreign corporation' and inserting 'a controlled foreign corporation'

"(C) by striking 'such other controlled foreign corporation' and inserting 'such controlled foreign corporation';

"(D) by striking 'of such United States shareholder in the foreign corporation' and inserting "of such United States shareholder in the foreign corporation';

"(E) the total of values of all classes of stock of such corporation entitled to vote, or

"(2) the total value of the stock of such corporation, owned (within the meaning of section 958(a)), or is considered as owned by applying the rules of section 958(b), by United States shareholders on any day during the taxable year of such foreign corporation.

"(3) ELECTION TO TREAT A CORPORATION AS A CONTROLLED FOREIGN CORPORATION.—

"(A) IN GENERAL.—Except as otherwise provided in this subsection, the amendments made by this section to section 91 apply. In the case of a foreign corporation with respect to which an election is in effect under this paragraph, such foreign corporation shall be treated as a controlled foreign corporation for purposes of this title.

"(B) MODIFICATIONS RELATED TO DETERMINATION OF STATUS AS A CONTROLLED FOREIGN CORPORATION.—The amendments made by this section (other than paragraph (6) of section 961(d)) shall not be construed to create any inference with respect to the proper application of any provision of the Internal Revenue Code of 1986 with respect to taxable years beginning on or after January 1, 2018, results in a reduction in a United States shareholder's pro rata share of a controlled foreign corporation's subpart F income or tested income (as defined in section 911(b))."

"(d) CONFORMING AMENDMENTS.—

"(1) Section 91 is amended—

"(A) in subsection (a), by striking "specified 10-percent owned foreign corporation (as defined in section 245A)" and inserting "controlled foreign corporation";

"(B) in subsection (b), by striking "specified 10-percent owned foreign corporation" and inserting "controlled foreign corporation";

"(C) in subsection (c)(6), by striking specified 10-percent owned foreign corporation and inserting "controlled foreign corporation";

"(2) In subsection (e), by striking specified 10-percent owned foreign corporation and inserting "controlled foreign corporation".

"(3) Section 904 is amended—

"(A) in subparagraph (B), by striking 'specified 10-percent owned foreign corporation' and inserting 'controlled foreign corporation',

"(B) in subsection (b)(2)(E)—

"(i) in clause (i), by striking "as defined in section 245A(b)" and inserting "as defined in section 951A(b)"

"(ii) in clause (ii), by redesignating clause (ii) as clause (iii) and by inserting after clause (i) the following new clause:

"(ii) SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION.—For purposes of this subparagrah—

"(D) IN GENERAL.—The term 'specified 10-percent owned foreign corporation' means any foreign corporation with respect to which any domestic corporation is a United States shareholder with respect to such corporation.

"E XCLUSION OF PASSIVE FOREIGN INVESTMENT COMPANIES.—Such term shall not include any corporation which is a passive foreign investment company (as defined in section 1297) and which is not a controlled foreign corporation.

"(5) Section 909(b) is amended by striking "as defined in section 245A(b)" and inserting "as defined in section 951A(b)"

"(6) Section 911(d)(1) is amended—

"(A) by striking "specified 10-percent owned foreign corporation (as defined in section 245A)" and inserting "controlled foreign corporation";

"(B) by striking "SPECIFIED 10-PERCENT OWNED FOREIGN CORPORATION" in the heading and inserting "CONTROLLED FOREIGN CORPORATION".

"(7) In effect on January 1, 2018, and taxable years of for-
(1) In general.—Section 954(d)(2) is amended to read as follows: “‘(2) LIMITATION AND REGULATORY AUTHORITY.—

(A) IN GENERAL.—For purposes of this subsection, the term ‘related person’ shall not include any person unless such person is—

(i) a taxable unit which is a tax resident of, or in the case of a branch, is located in the United States,

(ii) subject to tax under this chapter by reason of such person’s activities in the United States.

(B) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection and—

(i) regulations or other guidance providing for the proper application of subparagraph (A) in the case of a transaction (or series of transactions) in which a person described in subparagraph (A) is a party, and

(ii) regulations or other guidance providing that a pass-through entity or branch held directly or indirectly by a controlled foreign corporation (whether tax resident or located inside or outside the country in which the controlled foreign corporation is a tax resident) shall be treated as a wholly owned subsidiary of the controlled foreign corporation.

(C) CERTAIN TERMS.—Any term used in this subsection or subsection (e) which is also used in section 906(e) shall have the same meaning as when used in that section.

(2) CONFORMING AMENDMENT.—Section 954(d)(1)(A) is amended by striking “under the laws of which the controlled foreign corporation is a tax resident” and inserting “in which the controlled foreign corporation is a tax resident”.

(3) FOREIGN BASE COMPANY SERVICES INCOME.—

(A) IN GENERAL.—Section 954(e)(1)(A) is amended by striking “subsection (d)(3)” and inserting “subsection (d)(2)”.

(B) CONFORMING AMENDMENT.—Section 954(e)(1)(B) is amended by striking “under the laws of which the controlled foreign corporation is created or organized” and inserting “in which the controlled foreign corporation is a tax resident”.

(C) CERTAIN OTHER MODIFICATIONS.—

(1) Section 78 is amended by striking “(b),”.

(2) Section 954(a) is amended to read as follows:

(a) AMOUNTS INCLUDED.—

‘(1) In general.—If a foreign corporation is a controlled foreign corporation on any day during a taxable year of such foreign corporation, every person who is a United States shareholder of such corporation, and who owns (within the meaning of section 958(a)) stock in such corporation on any such day, shall include in such shareholder’s gross income for such shareholder’s taxable year in which or with which such taxable year of such corporation ended:

(A) his pro rata share (determined under paragraph (2) of the corporation’s subpart F income for such year), and

(B) any other person who is a United States shareholder of such corporation as of the close of the last relevant day of such foreign corporation’s taxable year, the amount which would have been distributed to such shareholder for such year (but only to the extent not excluded from gross income under section 959(a)(2)).

(2) SUBPART F INCOME.—In the case of any United States shareholder with respect to a foreign corporation, the pro rata share referred to in paragraph (1)(A) is the sum of:

(A) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation as of the close of the last relevant day of such foreign corporation’s taxable year, such shareholder’s pro rata share determined under paragraph (3), plus

(B) if such shareholder owns (within the meaning of section 958(a)) stock of such foreign corporation during such taxable year but does not own (within the meaning of section 958(a)) stock of such foreign corporation on the last relevant day of such foreign corporation’s taxable year, such shareholder’s nontaxed current dividend share determined under paragraph (4).

(3) GENERAL PRO RATA SHARE.—

(‘‘A’’ IN GENERAL.—In the case of any United States shareholder with respect to a foreign corporation, the general pro rata share determined under this paragraph is the excess (if any) of—

(i) the pro rata current earnings percentage of the amount which bears the same ratio to such corporation’s subpart F income for the taxable year as the nontaxed current dividend shares determined under paragraph (4) with respect to such shareholder or any other United States shareholder), as the part of such year during which such corporation was a controlled foreign corporation bears to the entire year, over

(ii) the lesser of—

(‘‘1’’ the amount of any pre-holding period dividends with respect to stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) as of the close of the last relevant day of such foreign corporation’s taxable year, or

(‘‘2’’ the amount which bears the same ratio to the subpart F income of such corporation for the taxable year (reduced by the aggregate nontaxed current dividend shares determined under paragraph (4) with respect to such shareholder or any other United States shareholder) as the part of such year during which such corporation was a controlled foreign corporation bears to the entire year, over

(iii) the lesser of—

(‘‘1’’ the amount of any pre-holding period dividends with respect to stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) as of the close of the last relevant day of such foreign corporation’s taxable year, or

(‘‘2’’ the amount which would have been distributed to such shareholder for such year (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year), divided by

(iii) such corporation’s earnings and profits for such taxable year (other than nontaxed current dividends as defined in paragraph (4)(C)), and

(iv) nontaxed current dividend percentage of the corporation’s subpart F income for the taxable year.

(4) NONTAXED CURRENT DIVIDEND SHARE.—

(A) IN GENERAL.—In the case of any United States shareholder with respect to a foreign corporation, the nontaxed current dividend share determined under this paragraph is the excess (if any) of—

(i) the amount of nontaxed current dividends with respect to the stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) at the time of the dividend payment, divided by

(ii) such foreign corporation’s earnings and profits for such taxable year (computed as of the close of such taxable year without diminution by reason of any distributions made during such taxable year).

(5) NONTAXED CURRENT DIVIDENDS.—

For purposes of this paragraph, the term ‘nontaxed current dividends’ means the portion of any amount received with respect to stock to the extent such amount (without regard to amounts included in the gross income of a United States shareholder for the taxable year by reason of this subpart) would result in a dividend out of the corporation’s earnings and profits for the taxable year (including a dividend under section 1244 attributable to earnings and profits for the taxable year) and

(ii) either—

(‘‘1’’ would give rise to a deduction under section 245(a), or

(‘‘2’’ in the case of a dividend paid directly or indirectly to a controlled foreign corporation with respect to stock owned by the shareholder within the meaning of section 958(a)(2), would result in a subpart F income with respect to such controlled foreign corporation by reason of subsection (b)(4), (c)(3), or (c)(6) of section 954.

(6) LAST RELIEF IN TAXABLE YEAR OF A CORPORATION WITH RESPECT TO WHICH THE CORPORATION BECOMES A CONTROLLED FOREIGN CORPORATION.—

In the case of any United States shareholder with respect to a foreign corporation, the last taxable year of such corporation, the excess (if any) of—

(i) the amount of nontaxed current dividends with respect to stock of such foreign corporation which such shareholder owns (within the meaning of section 958(a)) at the time of the dividend payment, divided by

(ii) such foreign corporation’s earnings and profits for such taxable year.

(7) DETERMINATION OF PRO RATA SHARES.—

For purposes of this section, the pro rata shares referred to in subsection (a) and paragraphs (1)(A) and (c)(1)(B), respectively, shall be determined under rules similar to the rules of section 951(a)(2) and shall be taken into account in the taxable year in which or with which such taxable year of such corporation ends, shareholder’s global intangible low-taxed income for such taxable year.

(8) Section 954(a)(4) is amended to read as follows:

‘‘(c) CERTAIN OTHER MODIFICATIONS.—

(A) TO TREAT A PARTNERSHIP AS AN AGGREGATE OF ITS PARTNERS.—

‘‘(B) TO PROVIDE RULES ALLOWING A FOREIGN CORPORATION TO CLOSE ITS TAXABLE YEAR UPON A CHANGE IN ITS OWNERSHIP.—

‘‘(C) TO PROVIDE RULES ALLOWING A FOREIGN CORPORATION TO CLOSE ITS TAXABLE YEAR UPON A CHANGE IN ITS OWNERSHIP.—

‘‘(D) TO INCLUDE ANY PERSON UNLESS SUCH PERSON IS—

‘‘(E) REGULATIONS.—The Secretary may prescribe such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including regulations or other guidance—

‘‘(A) TO TREAT A PARTNERSHIP AS AN AGGREGATE OF ITS PARTNERS.

‘‘(B) TO PROVIDE RULES ALLOWING A FOREIGN CORPORATION TO CLOSE ITS TAXABLE YEAR UPON A CHANGE IN ITS OWNERSHIP.

‘‘(C) TO PROVIDE RULES ALLOWING A FOREIGN CORPORATION TO CLOSE ITS TAXABLE YEAR UPON A CHANGE IN ITS OWNERSHIP.

‘‘(D) TO PROVIDE RULES ALLOWING A FOREIGN CORPORATION TO CLOSE ITS TAXABLE YEAR UPON A CHANGE IN ITS OWNERSHIP.

‘‘(8) Section 954(a)(4) is amended to read as follows:

‘‘(C) DETERMINATION OF PRO RATA SHARES.—

For purposes of this section, the pro rata shares referred to in subsection (a) and paragraphs (1)(A) and (c)(1)(B), respectively, shall be determined under rules similar to the rules of section 951(a)(2) and shall be taken into account in the taxable year in which or with which such taxable year of such corporation ends, shareholder’s global intangible low-taxed income for such taxable year.”
(D) Section 59(c)(5)(A)(i) is amended—
   (i) by striking (I), by adding ‘‘and’’ at the end, and
   (ii) in subsection (I)—
      (I) by striking ‘‘on the last day of the taxable year’’ and inserting ‘‘during the taxable year’’;
      (II) by striking ‘‘the end and inserting ‘‘or’’; and
   (iii) by striking subsection (III).

(3) Section 59(b) is amended by adding at the end the following:

   (g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section.’’.

(4) Section 961(b)(1) is amended by inserting after the first sentence the following: ‘‘The Secretary shall prescribe such other reductions to the purposes of this section.’’.

(5) Section 961(c) is amended—
   (A) by striking ‘‘BASIS ADJUSTMENTS IN’’ in the heading of such subsection and inserting ‘‘APPLICATION OF RULES TO’’, and
   (B) EFFECTIVE DATES.—The amendments similar to and all that follows in such subsection and inserting ‘‘then rules similar to the rules of subsections (a) and (b) shall apply to—’’.

(2) stock in any other controlled foreign corporation by reason of which the United States shareholder described in paragraph (1) as owning the stock described in paragraph (1), and

(3) property by reason of which the United States shareholder described in paragraph (1) or (2), but only for purposes of determining the amount included under section 961 in the gross income of such United States shareholder (or any other United States shareholder which acquires from any person any portion of the interest of such United States shareholder by reason of which such property is considered owning such stock, but only to the extent of such portion, and subject to such proof of identity of such interest as the Secretary may prescribe by regulations). The preceding sentence shall not apply with respect to any stock or property to which subsection (a) or (b) applies.’’.

The amendments made by this section shall apply to taxable years of foreign corporations beginning after December 31, 2021, and to taxable years of United States shareholders with respect to any stock or property to which such taxable years of foreign corporations end.

31, 2021, and to taxable years of United States foreign corporations beginning after December 31, 2024, 18 percent.’’. (D) TAXPAYERS FOR BANKS AND SECURITIES DEALERS.—Section 59A(b)(3)(B) is amended to read as follows:

   (B) TAXPAYER DESCRIBED.—A taxpayer is described in this subparagraph if such taxpayer is—
      (i) a bank (as defined in section 585(a)(2)),
      (ii) a securities dealer registered under section 15(a) of the Securities Exchange Act of 1934, or
      (iii) a member of an affiliated group (as defined in section 1504(a)(1)), determined without regard to section 1504(b)(3)) which includes any person described in clause (i) or (ii).’’.

(5) TERMINATION OF INCREASED RATE FOR RANKS AND SECURITIES DEALERS.—Section 59A(b)(3) is amended by adding at the end the following new subparagraph:

   (C) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after December 31, 2041.’’.

(6) GENERAL BUSINESS CREDIT ALLOWED AGAINST BASE EROSION AND ANTI-ABUSE TAX.—Section 59A(c) is amended by striking ‘‘the tax imposed by section 55’’ and inserting ‘‘the taxes imposed by sections 55 and 59A’’.

(7) CONFORMING AMENDMENTS.—Section 59A(a)(1) is amended by striking paragraphs (1)(A) and (2)(A) each and inserting ‘‘paragraph (2) shall’’.

(8) Section 59(a) is amended by striking paragraph (4).

(b) MODIFICATION OF RULES FOR DETERMINING MODIFIED TAXABLE INCOME.—
   (1) IN GENERAL.—Section 59A(c) is amended to read as follows:

   (5) CERTAIN PAYMENTS WITH RESPECT TO INVESTMENTS.—
      (A) IN GENERAL.—Section 59A(d)(1) is amended to read as follows:

      (B) in the case of any taxable year beginning after December 31, 2022, and before January 1, 2023, 10 percent,

      (B) in the case of any taxable year beginning after December 31, 2022, and before January 1, 2024, 12.5 percent,

      (C) in the case of any taxable year beginning after December 31, 2023, and before January 1, 2025, 15 percent, and

      (D) in the case of any taxable year beginning after December 31, 2024, 18 percent.’’.

(4) TAXPAYERS FOR BANKS AND SECURITIES DEALERS.—Section 59A(b)(3)(B) is amended to read as follows:

   (B) TAXPAYER DESCRIBED.—A taxpayer is described in this subparagraph if such taxpayer is—
      (i) a bank (as defined in section 585(a)(2)),
      (ii) a securities dealer registered under section 15(a) of the Securities Exchange Act of 1934, or
      (iii) a member of an affiliated group (as defined in section 1504(a)(1)), determined without regard to section 1504(b)(3)) which includes any person described in clause (i) or (ii).’’.

(5) TERMINATION OF INCREASED RATE FOR RANKS AND SECURITIES DEALERS.—Section 59A(b)(3) is amended by adding at the end the following new subparagraph:

   (C) TERMINATION.—Subparagraph (A) shall not apply to any taxable year beginning after December 31, 2041.’’.

(6) GENERAL BUSINESS CREDIT ALLOWED AGAINST BASE EROSION AND ANTI-ABUSE TAX.—Section 59A(c) is amended by striking ‘‘the tax imposed by section 55’’ and inserting ‘‘the taxes imposed by sections 55 and 59A’’.

(7) CONFORMING AMENDMENTS.—Section 59A(a)(1) is amended by striking paragraphs (1)(A) and (2)(A) each and inserting ‘‘paragraph (2) shall’’.

(8) Section 59(a) is amended by striking paragraph (4).

(b) MODIFICATION OF RULES FOR DETERMINING MODIFIED TAXABLE INCOME.—
   (1) IN GENERAL.—Section 59A(c) is amended to read as follows:

   (5) CERTAIN PAYMENTS WITH RESPECT TO INVESTMENTS.—
      (A) IN GENERAL.—Section 59A(d)(1) is amended to read as follows:

      (B) in the case of any taxable year beginning after December 31, 2022, and before January 1, 2023, 10 percent,
provided by the Secretary under subparagraph (D), the effective rate of foreign income tax with respect to any amount may be established on the basis of applicable financial statements (as defined in section 451(b)(3)).

"(D) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this section, including providing procedures for determining the effective rate of foreign income tax to which any amount is subject. Such procedures may take into account any transactions or series of transactions among multiple parties or that recharacterize as one or more transactions directly or indirectly among any 2 or more of such parties where the Secretary determines that such recharacterization is appropriate to carry out, or prevent avoidance of, the purposes of this section.

"(E) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO SERVICES.—Subsections (d)(1) and (d)(5)(A) shall not apply to so much of any amount paid or accrued by a taxpayer for services as does not exceed the total services cost of such services. The preceding sentence shall not apply unless such services meet the requirements for eligibility for the services cost method under section 267(d) and are determined without regard to the requirement that the services not contribute significantly to fundamental risks of business success or failure.

"(F) TERMINATION FROM EXCLUSION.—If the base erosion percentage (as determined under subsection (c)(4)) for the taxable year is less than 15 percent, the base erosion percentage for the taxable year is treated as zero for purposes of this section.

"(G) APPLICABILITY OF CERTAIN RULES.—The rules under section 267(d) shall apply in place of section 267(a). (h) E F F E C T I V E D A T E.—The amendments made by this section shall take effect as if the section were in effect on the date of the enactment of the Act enacted during the taxable year beginning before January 1, 2022.

"(1) IN GENERAL.—In the case of a taxpayer that is a controlled group, the rules described in section 1561(c) shall apply in place of the rules described in such section.

"(2) CONFORMING AMENDMENT.—Section 138141, as amended by this section, is amended by striking "the Federal Food, Drug, and Cosmetic Act" and inserting "the Federal Food, Drug, and Cosmetic Act, or, if the drug is a biological product, the Public Health Service Act, and".

"(3) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO TREATMENT OF CERTAIN LIQUIDATIONS.—In the case of a taxable year beginning before January 1, 2021, an amount that is treated as a liquidation (within the meaning of section 346) of an eligible testing business shall not be treated as a liquidation (within the meaning of section 346) of a controlled group if such liquidation has been transferred to one or more persons who are related (within the meaning of sections 267(f) and 707(b)(1)) to the member which received such property.

"(4) CONFORMING AMENDMENT.—The amendment made by this section is amended by striking "a product or product component, before the first date on which a license for a drug is issued under section 351(a) of the Public Health Service Act, and".

"(5) EFFECTIVE DATE.—The amendments made by this section shall take effect as if the section were in effect on the date of the enactment of the Act enacted during the taxable year beginning before January 1, 2022.

SEC. 138142. MODIFICATIONS TO TREATMENT OF CERTAIN LOSSES.

"(a) LOSSES FROM CERTAIN CAPITAL ASSETS WHICH BECOME WORTHLESS.—In the case of an applicable taxpayer with respect to each of the taxable years beginning before January 1, 2022, and beginning after December 31, 2020 (determined without regard to section 1244(d)(5)(A) and (B)), the base erosion percentage (as defined in section 267(d)) for the taxable year beginning on January 1, 2021, shall be treated as 15 percent.

"(b) E L I G I B L E TESTING MUST BE CONDUCTED BEFORE APPROVAL FOR ANY USE OR INDICATION.—Section 45C(b)(2)(B)(ii) is amended to read as follows:

"(1) IN GENERAL.—If an applicable taxpayer with respect to any use or indication with respect to any disease or condition with respect to which such drug is approved under section 505 of the Public Health Service Act, and to which such drug is treated as a biological product, before the first date on which a license (with respect to any use or indication with respect to any disease or condition) for such drug is issued under section 351(a)(3)(C) of the Public Health Service Act, and the drug was approved after the date of the enactment of the Act enacted during the taxable year beginning before January 1, 2022, the base erosion percentage (as determined under section 138142) for such year shall be treated as 0 percent.

"(c) ELIGIBILITY OF BIOLOGICAL PRODUCTS.—In the case of a taxable year beginning before January 1, 2022, the base erosion percentage (as determined under section 138142) for such year shall be treated as 0 percent.

"(d) E F F E C T I V E D A T E.—The amendments made by this section shall apply to taxable years beginning before January 1, 2022.

"(1) IN GENERAL.—Section 138142(b)(1) is amended by striking "the last day of the taxable year" and inserting "at the time of the identifiable event establishing worthlessness".

"(2) TREATMENT OF CERTAIN LIQUIDATIONS.—Section 138142(b)(2) is amended by inserting "the Federal Food, Drug, and Cosmetic Act" after "by a corporation".

"(3) EXCEPTION FOR CERTAIN AMOUNTS WITH RESPECT TO LIQUIDATIONS.—Section 138142(b)(5) is amended by adding at the end the following new subsection:

"(5) EXCEPTION TO TREATMENT AS A LIQUIDATION.—In the case of a taxable year beginning before January 1, 2022, and beginning after December 31, 2020, an amount that is treated as a liquidation (within the meaning of section 346) of a controlled group shall not be treated as a liquidation (within the meaning of section 346) of a controlled group if such liquidation has been transferred to one or more persons who are related (within the meaning of sections 267(f) and 707(b)(1)) to the member which received such property.

SEC. 138143. CREDIT FOR CLINICAL TESTING OF ORPHAN DRUGS LIMITED TO FIRST USE OR INDICATION.

"(a) IN GENERAL.—In the case of any applicable taxpayer with respect to each of the taxable years beginning before January 1, 2022, and beginning after December 31, 2020, the base erosion percentage (as defined in section 267(d)) for the taxable year beginning on January 1, 2021, shall be treated as 15 percent.

"(b) E L I G I B L E TESTING MUST BE CONDUCTED BEFORE APPROVAL FOR ANY USE OR INDICATION.—Section 45C(b)(2)(A)(ii) is amended to read as follows:

"(1) IN GENERAL.—If an applicable taxpayer with respect to any use or indication with respect to any disease or condition with respect to which such drug is approved under section 505 of the Public Health Service Act, and to which such drug is treated as a biological product, before the first date on which a license (with respect to any use or indication with respect to any disease or condition) for such drug is issued under section 351(a)(3)(C) of the Public Health Service Act, and the drug was approved after the date of the enactment of the Act enacted during the taxable year beginning before January 1, 2022, the base erosion percentage (as determined under section 138142) for such year shall be treated as 0 percent.

"(2) TREATMENT OF CERTAIN AMOUNTS WITH RESPECT TO LIQUIDATIONS.—In the case of a taxable year beginning before January 1, 2022, and beginning after December 31, 2020, an amount that is treated as a liquidation (within the meaning of section 346) of a controlled group shall not be treated as a liquidation (within the meaning of section 346) of a controlled group if such liquidation has been transferred to one or more persons who are related (within the meaning of sections 267(f) and 707(b)(1)) to the member which received such property.

"(3) E F F E C T I V E D A T E.—The amendments made by this section shall apply to taxable years beginning before January 1, 2022.

"(1) IN GENERAL.—In the case of a taxable year beginning before January 1, 2022, and beginning after December 31, 2020, the base erosion percentage (as defined in section 267(d)) for the taxable year beginning on January 1, 2021, shall be treated as 15 percent.

"(2) E L I G I B L E TESTING MUST BE CONDUCTED BEFORE APPROVAL FOR ANY USE OR INDICATION.—Section 45C(b)(2)(A)(ii) is amended to read as follows:

"(1) IN GENERAL.—If an applicable taxpayer with respect to any use or indication with respect to any disease or condition with respect to which such drug is approved under section 505 of the Public Health Service Act, and to which such drug is treated as a biological product, before the first date on which a license (with respect to any use or indication with respect to any disease or condition) for such drug is issued under section 351(a)(3)(C) of the Public Health Service Act, and the drug was approved after the date of the enactment of the Act enacted during the taxable year beginning before January 1, 2022, the base erosion percentage (as determined under section 138142) for such year shall be treated as 0 percent.

"(2) TREATMENT OF CERTAIN AMOUNTS WITH RESPECT TO LIQUIDATIONS.—In the case of a taxable year beginning before January 1, 2022, and beginning after December 31, 2020, an amount that is treated as a liquidation (within the meaning of section 346) of a controlled group shall not be treated as a liquidation (within the meaning of section 346) of a controlled group if such liquidation has been transferred to one or more persons who are related (within the meaning of sections 267(f) and 707(b)(1)) to the member which received such property.

"(3) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning before January 1, 2022.
the meaning of subsection (b)(3) or section 707(b)(1) to such corporation if any stock or security of such corporation becomes worthless in connection with such issuance.

(2) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to apply the principles of liquidation to liquidating corporations or securities owned by a corporation indirectly through 1 or more partnerships.

(c) CROSS REFERENCE.—Section 331(c) is amended—

(1) by striking “Cross Reference” and all that follows through “General rule” and inserting the following: “Cross Reference:—

“(1) For general rule”, and

(2) by adding at the end the following new paragraph:

“(2) For losses in controlled group liquidations, see section 367(h)”.

(d) EFFECTIVE DATE.—

(1) SUBSECTION (a).—The amendments made by this section shall apply to losses arising in taxable years beginning after December 31, 2021.

(2) SUBSECTION (b).—The amendment made by subsection (a) shall apply to liquidations on or after the date of the enactment of this Act.

SEC. 138143. ADJUSTED BASIS LIMITATION FOR DIVISIVE REORGANIZATION.

(a) IN GENERAL.—Section 361 is amended by adding at the end the following new subsection:

“(d) ADJUSTED BASIS LIMITATION FOR DIVISIVE REORGANIZATION.—

“(1) IN GENERAL.—Except as provided in paragraph (2), in the case of a reorganization described in section 368(a)(1)(D) with respect to which stock or securities of the controlling corporation (within the meaning of section 355) are distributed by the distributing corporation (within the meaning of such section) in a transaction which qualifies under such section, subsections (b)(3) and (c)(3) shall not apply so much of the amount described in clauses (ii) and (iii) of paragraph (A) as does not exceed the excess (if any) of—

“(A) the sum of—

“(i) the total amount of the liabilities assumed (within the meaning of section 367(c)) by the controlling corporation, and

“(ii) the total amount of money and the fair market value of other property transferred to the controlling corporation,

“(iii) the fair market value of the stock described in section 354(a)(2)(C) and the total principal amount of obligations of the controlling corporation described in subsection (c)(3)(B) which are qualified property (as defined in subsection (c)(2)(B)) transferred to the creditors,

“(B) the total adjusted bases of the assets transferred by the distributing corporation to the controlling corporation.

“(2) EXCEPTION REGARDING CERTAIN STOCK OR RIGHT TO Các SUBSECTION (I) shall not apply to any stock (or right to acquire stock) described in subsection (c)(2)(B).

“(3) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection and to prevent avoidance of tax through abuse or circumvention of such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this subsection, including to apply the principles of liquidation to liquidating corporations or securities owned by a corporation indirectly through 1 or more partnerships, or by avoiding the application of such regulations or guidance by carrying out reorganizations occurring on or after the date of the enactment of this Act.

(b) EFFECTIVE DATE.—The amendments made by this section shall not apply to any exchange pursuant to a transaction which is—

(1) made pursuant to a written agreement which was binding on the date of the enactment of this Act, and at all times thereafter,

(2) described in a ruling request submitted to the Internal Revenue Service on or before such date, and

(3) described on or before such date in a public announcement or in a filing with the Securities and Exchange Commission.

SEC. 138144. RENTS FROM PRISON FACILITIES NOT TREATED AS QUALIFIED INCOME FOR PURPOSES OF REIT INCOME TESTING.

(a) IN GENERAL.—Section 856(d)(2) is amended by striking “and” and at the end of subparagraph (B)

“(B) the total adjusted bases of the assets transferred by the distributing corporation to the controlling corporation.

“(C) the total amount of the liabilities assumed (within the meaning of section 367(c)) by the controlling corporation, and

“(D) the total adjusted bases of the assets transferred by the distributing corporation to the controlling corporation.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138145. MODIFICATIONS TO EXEMPTION FOR CERTAIN PARTNERSHIPS.

(a) IN GENERAL.—Section 871(h)(3)(B)(i) is amended to read as follows:—

“(i) the case of an obligation issued by a corporation—

“(1) any person who owns 10 percent or more of the total combined voting power of all classes of stock of such corporation entitled to vote, or

“(ii) any person who owns 10 percent or more of the total value of the stock of such corporation, and

“(2) EFFECTIVE DATE.—The amendment made by this section shall apply to obligations issued after the date of the enactment of this Act.

SEC. 138146. CERTAIN PARTNERSHIP INTEREST DERIVATIVES.

(a) IN GENERAL.—Section 871(m) is amended by adding at the end the following new paragraph:

“(d) SPECIFIED PARTNERSHIP INTEREST INCOME EQUIVALENT PAYMENTS.—

“(A) IN GENERAL.—For purposes of this subsection, any payment made pursuant to a specified partnership interest contract that directly or indirectly is contingent thereon, or is determined by reference to, any income or gain in respect of an interest in a specified partnership (or any other payment the Secretary determines to be substantially similar) shall be treated as a dividend equivalent.

“(B) EFFECTIVE DATE.—For purposes of the preceding sentence, income or gain includes any income or gain from the deemed disposition of such interest as a result of the termination of, or payment with respect to, such contract (determined in the same manner as under section 864(c)(8) but without regard to paragraph (C) thereof) and any income or gain described in subsection (a)(1) or section 881(a).

“(B) SPECIFIED PARTNERSHIP.—For purposes of this paragraph, the term ‘specified partnership’ means—

“(i) any publicly traded partnership (as defined in section 7704(b)) which is not treated as a corporation for purposes of section 7704,

“(ii) any other partnership as the Secretary may by regulation prescribe.

“(C) EXCEPTIONS.—

“(1) CERTAIN PAYMENTS.—Subparagraph (A) shall not apply to any payment the Secretary determines does not have the potential for tax avoidance.

“(II) CERTAIN INCOME.—Under such regulations as the Secretary shall prescribe, there shall not be taken into account under subparagraph (A) any payment to the extent determined by reference to income or gain in respect of an interest in a specified partnership which would be, if earned by a nonresident alien individual or a foreign corporation—

“(I) exempt from tax under this chapter, or

“(II) from sources without the United States and not effectively connected with the conduct of a trade or business within the United States.

“(D) TREATMENT OF DEFINITIONS AND SPECIAL RULES WITH RESPECT TO PARTNERSHIPS.—For purposes of this paragraph, rules similar to the rules and definitions in paragraphs (3), (4), (5), (6), and (7) shall apply to an interest in a specified partnership in a manner similar to an undivesting security, and to income or gain in respect of an interest in a specified partnership in a manner similar to a dividend.

“(E) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out the purposes of this paragraph, including to apply this paragraph to payments determined consistent with the regulations in paragraphs (3), (4), (5), (6), and (7), and to require the provision of information by specified partnerships necessary to determine such amount.”.

(b) WITHHOLDING OF TAX ON NONRESIDENT ALIENS.—Section 1441 is amended by redesignating subsections (a) and (b) and by inserting after subsection (f) the following new subsection:

“(g) DIVIDEND EQUIVALENTS IN CASE OF CERTAIN SPECIFIED PARTNERSHIPS.—The Secretary may prescribe regulations, under rules similar to the rules of section 1446, to determine the amount of a payment in respect of income and gain of a specified partnership (as defined in section 871(m)(8)) which is a dividend equivalent.”.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to payments made after December 31, 2022.

SEC. 138147. ADJUSTMENTS TO EARNINGS AND PROFITS OF CONTROLLED FOREIGN CORPORATIONS.

(a) IN GENERAL.—Section 212(n) is amended by adding at the end the following new paragraph:

“(d) SPECIAL RULES FOR CONTROLLED FOREIGN CORPORATIONS.—Earnings and profits of any controlled foreign corporation shall be determined without regard to paragraphs (4), (5), and (6).

(b) CONFORMING AMENDMENT.—Section 952(c) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations ending after the date of the enactment of this Act, and to taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.

SEC. 138148. CERTAIN DIVIDENDS OF CONTROLLED FOREIGN CORPORATIONS TREATED AS EXTRAORDINARY DIVIDENDS.

(a) IN GENERAL.—Section 155 is amended by adding at the end the following new paragraph:

“(e) SPECIAL RULES FOR CONTROLLED FOREIGN CORPORATIONS.—For purposes of section 155, and for purposes of the preceding sentence, any payment treated as a dividend shall be treated as an extraordinary dividend.

(b) CONFORMING AMENDMENT.—Section 952(c) is amended by striking paragraph (3).

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years of foreign corporations and taxable years of United States shareholders in which or with which such taxable years of foreign corporations end.
dividend shall be treated as an extraordinary dividend to which paragraphs (1) and (2) of subsection (a) apply without regard to the period the taxpayer held the stock with respect to which such dividend is paid.

"(2) DISQUALIFIED CPC DIVIDEND.—For purposes of this subsection—

"(A) The term ‘disqualified CPC dividend’ means any dividend paid by a controlled foreign corporation to the extent such dividend is attributable to earnings and profits which—

"(i) were earned during any period that such corporation was not a controlled foreign corporation, or

"(ii) are attributable to disqualified CPC dividends received by such controlled foreign corporation from another controlled foreign corporation.

"(B) APPLICATION TO CORPORATIONS NOT WHOLLY OWNED BY UNITED STATES SHAREHOLDERS.—If not all of the stock of any controlled foreign corporation is owned (within the meaning of section 59(e)(a) by one or more United States shareholders at the time that any earnings and profits are earned, the portion of such earnings and profits which is properly attributable to stock not so owned by United States shareholders shall be treated for purposes of subparagraph (A) as earned during a period that such corporation was not a controlled foreign corporation.

"(C) TREATMENT OF DOMESTIC PARTNERSHIPS AND CERTAIN TRUSTS.—For purposes of subparagraph (A)—

"(i) a domestic partnership shall not be treated as a United States shareholder, and

"(ii) to the extent provided by the Secretary in regulations or other guidance, a trust described as a United States shareholder, and

"(D) RULES FOR SECTION 1202 GAINS.—In the case of a domestic partnership or trust described as a United States shareholder to which subparagraph (A) applies, the earnings and profits treated as earned during any period that such partnership or trust was not a controlled foreign corporation shall be the earnings and profits in respect of which the distributions are attributable within the meaning of section 707(a)(2)(D).

"(E) TREATMENT OF CERTAIN CONTRACTS.—Section 1563(b)(2)(C) is amended to read as follows:

"(F) BOUNDING CONTRACT EXCEPTION.—The amendment made by this section shall apply to sales and exchanges after September 13, 2021.

"(G) BINDING CONTRACT EXCEPTION.—The amendment made by this section shall not apply to an annuity or exchange which is made pursuant to a written binding contract which was in effect on September 13, 2021, and is not modified in any material respect thereafter.

"SEC. 138150. CONFORMING AMENDMENT.—

"(a) APPLICATION TO APPRECIATED DIGITAL ASSETS.—

"(1) IN GENERAL.—Section 1295(b)(1) is amended by inserting “digital asset,” after “debt instrument”.

"(2) EXCEPTION FOR SALES OF NONPUBLICLY TRADED PROPERTY.—Section 1295(b)(2) is amended by adding at the end the following new paragraph: A similar rule shall apply in the case of a contract for sale of any digital asset.

"(3) DIGITAL ASSET.—Section 1295(b) is amended by adding at the end the following new paragraph:

"(2) DIGITAL ASSET.—Except as otherwise provided by the Secretary, the term ‘digital asset’ means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as is recorded on a cryptographically secured distributed ledger or any similar technology as means any digital representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as

"SEC. 138151. RULES RELATING TO COMMON CONTROL.—

"(a) IN GENERAL.—Section 52 is amended by striking subsections (a) and (b) and inserting the following new subsections:

"(1) TREATMENT OF CONTROLLED GROUPS OF CORPORATIONS.—

"(i) IN GENERAL.—For purposes of this subpart, all employees of all corporations which are component members of the same controlled group of corporations shall be treated as employed by a single employer. In any such case, the credit (if any) determined under section 51(a) with respect to each such member shall be its proportionate share of the wages giving rise to such credit.

"(ii) COMMON CONTROL.—For purposes of this subpart, the term ‘controlled group of corporations’ has the meaning given to such term by section 51(a), except that—

"(A) more than 50 percent’ shall be substituted for ‘at least 80 percent’ each place it appears in section 1563(a)(1), and

"(B) the term ‘control’ shall be made without regard to subsections (a)(4) and (e)(2)(C) of section 1563.

"(2) COMPONENT MEMBER.—For purposes of this subsection, the term ‘component member’ has the meaning given such term by section 1563(b), except that the determination shall be made without regard to whether such member is an excluded member (within the meaning of section 1563(b)(2)).

"(3) EMPLOYEES OF PARTNERSHIPS, PROPRIETORS, ETC.—WHICH ARE UNDER COMMON CONTROL.—For purposes of this subpart, under regulations prescribed by the Secretary—

"(1) all employees of trades or businesses (whether or not under common control) shall be treated as employed by a single employer, and

"(2) the credit (if any) determined under section 51(a) with respect to each such member shall be its proportionate share of the wages giving rise to such credit.

"The regulations prescribed under this subsection shall be based on principles similar to the principles which apply in the case of subsection (a). For purposes of this subsection, the term ‘trade or business’ includes any activity described as a trade or business under paragraph (5) or (6) of section 469(c) (determined without regard to the phrase ‘To the extent provided in regulations’ in such paragraph (5) or (6)).

"SEC. 138152. MODIFICATION OF WASH SALE RULES.—

"(a) IN GENERAL.—Section 1091 is amended to read as follows:

"SEC. 1091. LOSS FROM WASH SALES OF SPECIFIED ASSETS.

"(a) DISALLOWANCE OF LOSS DEDUCTION.—In the case of any loss claimed to have been sustained from any sale or disposition (including any termination) of specified assets where it appears that, within a period beginning 30 days before the date of such sale or disposition and ending 30 days after such date, the taxpayer (or any person acting in a representative capacity) has acquired or by an exchange on which the entire amount of gain or loss was recognized by law), or has entered into a contract or option to acquire or a long notional principal contract in respect of, substantially identical specified assets, then no deduction shall be allowed under section 165 unless the taxpayer is a dealer in specified assets and the loss is sustained in a transaction made in the ordinary course of such business.

"(b) AMOUNT OF SPECIFIED ASSETS DIFFERENT FROM AMOUNT OF SPECIFIED ASSETS SOLD.—If the amount of specified assets acquired (or covered by the contract or option to acquire or long notional principal contract in respect of) is different from the amount of specified assets sold or otherwise disposed of, then the particular specified assets the acquisition of which (or the contract or option to acquire or long notional principal contract which) resulted in the non-deductibility of the loss shall be determined under regulations prescribed by the Secretary.

"(c) BOUNDING CONTRACT EXCEPTION.—If the taxpayer (or the taxpayer’s spouse) acquires or enters into substantially identical specified assets during the period which—

"(1) begins 30 days before the disposition with respect to which a deduction was disallowed under subsection (a), and

"(2) ends with the close of the taxpayer’s first taxable year which begins after such disposition,

"the basis of such specified assets shall be increased by the amount of the deduction so disallowed (reduced by any amount of such deduction taken into account under this subsection to increase the basis of specified assets previously acquired),

"(d) CERTAIN SHORT SALES OF SPECIFIED ASSETS AND CONTRACTS TO SELL.—Rules similar to the rules of subsection (a) shall apply to any loss realized on the closing of a short sale of (or the sale, exchange, or termination of a contract or option to sell or a short notional principal contract in respect of) specified assets if, within 30 days before the date of such closing and ending 30 days after such date—

"(1) substantially identical specified assets were sold or terminated by the taxpayer (or a related party), or

"(2) another short sale of (contract or option to sell or short notional principal contract in respect of) substantially identical specified assets was entered into by the taxpayer (or related party).
(e) Cash Settlement.—This section shall not fail to apply to a contract or option to acquire or sell specified assets solely by reason of the fact that the contract or option settles in (or could be settled in) cash or property other than such specified assets.

(f) Related Party.—For purposes of this section—

(1) In General.—The term ‘related party’ means—

(A) the taxpayer’s spouse;

(B) any dependent of the taxpayer and any other taxpayer with respect to whom the taxpayer is a dependent;

(C) any individual, corporation, partnership, trust, estate, or other entity in which the taxpayer owns 50 percent or more of the total vote or value of the entity;

(D) any account or arrangement with respect to which the taxpayer has the right to make any decision with respect to the investment of any amount in such account, and

(E) any individual retirement plan, Archer MSA (as defined in section 220(d)), or health savings account (as defined in section 223(d)), of the taxpayer or of any individual described in subparagraph (A) or (B) with respect to the taxpayer.

(2) Rules for Determining Status.—

(A) Relationships Determined at Time of Acquisition.—Determinations under paragraph (1) shall be made as of the time of the purchase or exchange (or entering into a contract, option, or notional principal contract) referred to in subsection (a), but such determinations under subparagraphs (A) and (B) of paragraph (1) shall be made for the taxable year which includes such purchase or exchange (or entering into).

(B) Determination of Marital Status.—

(1) In General.—Except as provided in clause (ii), marital status shall be determined under section 7703.

(2) Special Rule for Married Individuals Filing Separately and Living Apart.—A husband and wife who—

(i) file separate returns for any taxable year, and

(ii) live apart at all times during such taxable year shall not be treated as married individuals.

(3) Regulations.—The Secretary shall issue such regulations as may be necessary to prevent the avoidance of the purposes of this subsection, including regulations which treat persons as related parties if such persons are found by the Secretary to be intended to avoid the purposes of this subsection.

(g) Specified Asset.—For purposes of this section, the term ‘specified asset’ means any of the following:

(1) Any security described in subparagraph (A), (B), (C), (D), or (E) of section 475(c)(2).

(2) Any foreign currency.

(3) Any commodity described in subparagraph (A), (B), or (C) of section 475(e)(2).

(4) Except as otherwise provided by the Secretary, any representation of value which is recorded on a cryptographically secured distributed ledger or any similar technology as specified by the Secretary.

Such term shall be applied in regulations, include contracts or options to acquire or sell, or notional principal contracts in respect of, any specified asset.

(h) Exception for Business Needs and Hedging Transactions.—Except as provided in regulations prescribed by the Secretary, subsection (a) shall not apply in the case of any sale or other disposition—

(1) of a foreign currency or commodity described in subsection (h), and

(2) which—

(A) is directly related to the business needs of a trade or business of the taxpayer (other than the trade or business of trading foreign currencies or commodities described in subsection (h)), or

(B) is part of a hedging transaction (as defined in section 1221(d)(2)).

(i) Conforming Amendments.—

(1) Section 6045(g)(2)(B) is amended—

(A) in clause (ii)—

(i) by striking ‘‘stock’’ and inserting ‘‘covered security (other than stock)’’, and

(ii) by striking ‘‘stock sold or transferred’’ and inserting ‘‘covered security sold or transferred’’, and

(B) in clause (iii)—

(i) by striking ‘‘stock or securities’’ and inserting ‘‘specified assets’’, and

(ii) by striking ‘‘identical securities’’ and inserting ‘‘identical specified assets’’ (as defined in section 1091(b)(5)).

(2) The table of sections for part VII of subchapter O of chapter 1 is amended by striking the item relating to section 1091 and inserting the following:

‘‘Sec. 1091. Loss from wash sales of specified assets.’’

(j) Effective Date.—The amendments made by this section shall apply to sales, dispositions, and terminations after December 31, 2021.

(3) No Inference.—Nothing in this section or regulations prescribed by the Secretary shall be construed to create any inference with respect to the tax imposed under subsection (a) by reference to the proper treatment of related parties under section 707.

(k) Clarifications with Respect to Determination of Net Investment Income.—

(1) Certain Exceptions.—Section 1411(c)(6) is amended to read as follows:

‘‘(6) Special Rules.—Net investment income shall not include—

(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

(B) wages received with respect to employment on which a tax is imposed under section 3101(b) or 3201(a) (including amounts taken into account under section 3121(c)(2)), and

(C) wages received from the performance of services earned outside the United States for a foreign employer.’’

(2) Net Operating Losses Not Taken into Account.—Section 1411(c)(1)(B) is amended by inserting ‘‘(other than section 172)’’ after ‘‘this subtitle’’.

(l) Inclusion of Certain Foreign Income.—

(A) In General.—Section 1411(c)(1)(A) is amended by striking ‘‘and’’ at the end of clause (ii), by striking ‘‘over’’ at the end of clause (iii) and inserting ‘‘and’’ by adding at the end the following new clause:

(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over.

(B) Proper Treatment of Certain Previously Taxed Income.—Section 1411(c) is amended by adding at the end the following new paragraph:

‘‘(C) Previously Taxed Income.—The Secretary shall issue regulations or other guidance providing for the treatment of—

(A) distributions of amounts previously included in gross income in one taxable year but not previously subject to tax under this section, and

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138320. APPLICATION OF NET INVESTMENT INCOME TAX TO TRADE OR BUSINESS INCOME OF CERTAIN HIGH INCOME INDIVIDUALS.

(a) In General.—Section 1411 is amended by adding at the end the following new subsection:

‘‘(1) Proper Application to Certain High Income Individuals.—

(1) In General.—In the case of any individual whose modified adjusted gross income for the taxable year exceeds the high income threshold amount, subsection (a)(1) shall be applied by substituting ‘‘the greater of specified net income or net investment income’’ for ‘‘net investment income’’ in the following:

‘‘(a) the excess described in paragraph (1), bears to

(B) $100,000 (½ such amount in the case of a married taxpayer filing a joint return or a surviving spouse (as defined in section 2(a)), $50,000, and

(C) in the case of a married taxpayer (as defined in section 7701) filing a separate return, ½ of the dollar amount determined under subparagraph (B).

(2) Specified Net Income.—For purposes of this section, the term ‘specified net income’ means net investment income determined—

(A) without regard to the phrase ‘other than such income which is derived in the ordinary course of a trade or business not described in paragraph (2),’ in subsection (c)(4)(A)(i),

(B) without regard to the phrase ‘described in paragraph (2) in subsection (c)(4)(A)(ii),’

(C) without regard to the phrase ‘other than property held in a trade or business not described in paragraph (2) in subsection (c)(4)(A)(iii),’

(D) without regard to paragraphs (2), (3), and (5) of section (c), and

(E) by treating paragraphs (5) and (6) of section 469(c) (determined without regard to the phrase ‘The extent provided in regulations,’ in such paragraph (6) as applying for purposes of subsection (c) of this section,’).

(3) Application to Certain High Income Individuals.—Section 1411(g)(2)(A) is amended by striking ‘‘undistributed net investment income’’ and inserting ‘‘the greater of undistributed specified net income or undistributed net investment income’’.

(4) Clarifications with Respect to Determination of Net Investment Income.—

(1) Certain Exceptions.—Section 1411(c)(6) is amended to read as follows:

‘‘(6) Special Rules.—Net investment income shall not include—

(A) any item taken into account in determining self-employment income for such taxable year on which a tax is imposed by section 1401(b),

(B) wages received with respect to employment on which a tax is imposed under section 3101(b) or 3201(a) (including amounts taken into account under section 3121(c)(2)), and

(C) wages received from the performance of services earned outside the United States for a foreign employer.’’

(2) Net Operating Losses Not Taken into Account.—Section 1411(c)(1)(B) is amended by inserting ‘‘(other than section 172)’’ after ‘‘this subtitle’’.

(3) Inclusion of Certain Foreign Income.—

(A) In General.—Section 1411(c)(1)(A) is amended by striking ‘‘and’’ at the end of clause (ii), by striking ‘‘over’’ at the end of clause (iii) and inserting ‘‘and’’ by adding at the end the following new clause:

(iv) any amount includible in gross income under section 951, 951A, 1293, or 1296, over.

(B) Proper Treatment of Certain Previously Taxed Income.—Section 1411(c) is amended by adding at the end the following new paragraph:

‘‘(C) Previously Taxed Income.—The Secretary shall issue regulations or other guidance providing for the treatment of—

(A) distributions of amounts previously included in gross income in one taxable year but not previously subject to tax under this section, and
"(B) distributions described in section 962(d).".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138202. LIMITATIONS ON EXCESS BUSINESS LOSSES OF NONCORPORATE TAXPAYERS.

(a) LIMITATION MADE PERMANENT.—In general.—Section 461(b)(1) is amended to read as follows: "(1) LIMITATION.—In the case of any taxpayer other than a corporation, any excess business loss of the taxpayer for the taxable year shall not be allowed.".

(2) CONFORMING AMENDMENT.—Section 61 is amended by striking subsection (b).

(b) TREATMENT OF UNEXSSED BUSINESS LOSS CARRYOVER OF DISALLOWED LOSSES.—Section 461(b)(2) is amended to read as follows: "(2) ALLOWED LOSS CARRYOVER.—Any loss which is disallowed under paragraph (1) for any taxable year shall be treated (solely for purposes of this chapter) as a deduction described in paragraph (2)(A) of section 163(d) for the next taxable year:"

(3) SPECIAL RULE FOR TERMINATION OF ESTATE OR TRUST.—Section 461(b) is amended by adding at the end the following new paragraph:

"(7) SPECIAL RULE FOR TERMINATION OF ESTATE OR TRUST.—If, on the termination of an estate or trust, the estate or trust has an excess business loss carryover, then such carryover or excess shall be allowed as a deduction, in accordance with regulations prescribed by the Secretary, to the beneficiaries succeeding to the property of the estate or trust."

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2020.

SEC. 138203. SURCHARGE ON HIGH INCOME INDIVIDUALS, ESTATES, AND TRUSTS.

(a) IN GENERAL.—Part I of subchapter A of chapter 1 is amended by inserting after section 1 the following new section:

"SEC. 1A. SURCHARGE ON HIGH INCOME INDIVIDUALS, ESTATES, AND TRUSTS.

"(a) GENERAL RULE.—In the case of a taxpayer (other than a corporation), there shall be imposed (in addition to any other tax imposed by this subtitle) a tax equal to the sum of—

"(1) 5 percent of so much of the modified adjusted gross income of the taxpayer as exceeds—

"(A) $10,000,000, in the case of any taxpayer not described in subparagraph (B) or (C),

"(B) $5,000,000, in the case of a married individual filing a separate return, and

"(C) $200,000, in the case of an estate or trust, plus

"(2) 2 percent of so much of the modified adjusted gross income of the taxpayer as exceeds—

"(A) $25,000,000, in the case of any taxpayer not described in subparagraph (B) or (C),

"(B) $12,500,000, in the case of a married individual filing a separate return, and

"(C) $300,000, in the case of an estate or trust.

"(b) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this section, the term 'modified adjusted gross income' means adjusted gross income reduced by any deduction (not taken into account in determining adjusted gross income) allowed for payment of interest (as defined in section 163(d)) or business interest (as defined in section 163(j)). In the case of an estate or trust, adjusted gross income shall be determined as provided in section 641(c)(1)(A), and reduced by the amount allowed as a deduction under section 642(c).

"(c) SPECIAL RULES.—

"(1) NONRESIDENT ALIEN.—In the case of a nonresident alien individual (other than an individual described in section 876(a) or 877(a), or a corporation), such tax shall be treated in connection with the tax imposed under section 871(b) shall be taken into account under this section.

"(2) CITIZENS AND RESIDENTS LIVING ABROAD.—In addition to the tax imposed (in connection with the tax imposed under section 871(b) shall be taken into account under this section.

"(3) CHARTERED TRUSTS.—Subsection (a) shall not apply to a trust all the unexpended interests in which are devoted to one or more of the purposes described in section 170(c)(2). (B) distributions described in section 170(c)(2), (B) allowed for investment interest (as defined in section 163(j)). In the case of an estate or trust, the amounts of any deductions or exclusions described in section 170(d)(3)(C) with respect to the amounts described in subparagraph (A).

"(4) CHARITABLE TRUSTS.—Subsection (a) shall not apply to a trust all the unexpended interests in which are devoted to one or more of the purposes described in section 170(c)(2), (B) allowed for investment interest (as defined in section 163(j)). In the case of an estate or trust, the amounts of any deductions or exclusions described in section 170(d)(3)(C) with respect to the amounts described in subparagraph (A).

"(5) ELECTION BY INDIVIDUALS TO BE SUBJECT TO SURCHARGE.—For purposes of this section, an individual who is an applicable taxpayer for any taxable year shall be treated as equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).

"(6) INTEREST ON CERTAIN TAX DEFERRAL.—For purposes of this section, an individual who is an applicable taxpayer for any taxable year shall be treated as equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).

"(7) AVERAGING OF FARM INCOME.—Section 1303(b) shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a).

"(8) TITLE II CASES.—Section 1394(c)(2) is amended by adding at the end the following: "For purposes of subparagraph (A), the highest rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a)."

"(9) WITHHOLDING OF TAX ON FOREIGN PARTNERS' SHARE OF EFFECTIVELY CONNECTED INCOME.—Section 1446(b)(2) is amended by adding at the end the following: "For purposes of subparagraph (A), the highest rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a)."

"(10) RELIEF FROM JOINT AND SEVERAL LIABILITY ON JOINT RETURN.—Section 1302(c)(B) is amended by inserting "‘1A,’ after ‘section 1,’”.

(b) PARTNERSHIP ADJUSTMENTS.—

"(A) Section 6225(b)(1) is amended by adding at the end the following: "For purposes of subparagraph (B), the highest rate of tax in effect under section 1 shall be treated as being equal to the sum of such rate and the rates in effect under paragraphs (1) and (2) of section 1A(a)."

"(B) Section 6223(c)(4)(A) is amended—

"(1) by striking "subsection (b)(1)(A)" and inserting "subsection (b)(1)(B)," and

"(2) by striking or at the end of clause (i), by adding or at the end of clause (ii), and by inserting after clause (i) the following new clause:

"(iii) is not an individual subject to one or both of the rates of tax in effect under paragraphs (1) and (2) of section 1A(a).

"(12) REQUIRED PAYMENTS FOR ENTITIES ELECTING NOT TO HAVE REQUIRED TAXABLE YEAR.—Section 7519(b) is amended by inserting "and increased by the sum of the rates in effect under paragraphs (1) and (2) of section 1A(a)" before the period at the end.

(c) CLERICAL AMENDMENT.—The table of sections for part I of subchapter A of chapter 1 is amended by inserting after the item relating to section 639 the following new item:

"Sec. 1A. Surcharge on high income individuals.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138301. CONTRIBUTION LIMIT FOR INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

(a) CONTRIBUTION LIMITATION.—

"(1) IN GENERAL.—Subpart A of part I of subchapter D of chapter 1 is amended by adding at the end the following:

"SEC. 409B. CONTRIBUTION LIMIT ON INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

"(a) GENERAL RULE.—Notwithstanding any other provision of this title, in the case of an individual who is an applicable taxpayer for any taxable year, no annual addition for such taxable year shall be made by, or on behalf of, such individual to any individual retirement plan to the extent such annual additions exceed the excess (if any) of—

"(1) the applicable dollar amount for such taxable year, over

"(2) the aggregate vested balances to the credit of the individual (whether as a participant, owner, or beneficiary) in all applicable retirement plans (determined as of the close of the most recently completed calendar year in which such taxable year begins).

"(b) DEFINITIONS AND SPECIFIC RULES.—For purposes of this section—

"(1) ANNUAL ADDITION.—

"(A) IN GENERAL.—Except as provided in this paragraph, the term 'annual addition' means

PART 2—MODIFICATIONS OF RULES RELATING TO RETIREMENT PLANS

Subpart A—Limitations on High-income Taxpayers With Large Retirement Account Balances

SEC. 138301. CONTRIBUTION LIMIT FOR INDIVIDUAL RETIREMENT PLANS OF HIGH-INCOME TAXPAYERS WITH LARGE ACCOUNT BALANCES.

"(a) GENERAL RULE.—Notwithstanding any
any contribution to an individual retirement plan.

“(B) CONTRIBUTIONS TO SEP AND SIMPLE PLANS.—In the case of any employer or employee or on behalf of an individual to a simplified employee pension under section 408(k) or a simple retirement account under section 408(p)—

(i) contributions shall not be treated as annual additions for purposes of applying the limitation under subsection (a), but

(ii) the excess described in subsection (a) shall be reduced by the amount of such contributions in applying such limitation to other annual additions with respect to such individual.

“(C) ROLLOVER CONTRIBUTIONS DISREGARDED.—A rollover contribution under section 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or 457(e)(16) shall not be treated as an annual addition.

“(D) ACCOUNTS ACQUIRED BY DEATH OR DISABILITY.—The acquisition of an individual retirement plan (or the transfer to or contribution of amounts to an individual retirement plan) by reason of—

(i) the death of another individual, or

(ii) divorce or separation (pursuant to section 408(a)(6)), shall not be treated as an annual addition.

(2) APPLICABLE DOLLAR AMOUNT.—The term ‘applicable dollar amount’ means $100,000.

“(3) APPLICABLE RETIREMENT PLAN.—The term ‘applicable retirement plan’ means:

(A) a defined contribution plan to which section 401(a)(31) applies,

(B) an annuity contract under section 403(b),

(C) an eligible deferred compensation plan described in section 403(b)(1)(A),

(D) any individual retirement plan.

“(4) APPLICABLE TAXPAYER.—

(A) IN GENERAL.—The term ‘applicable taxpayer’ means, with respect to any taxable year, a taxpayer whose modified adjusted gross income for such taxable year exceeds the amount determined under subparagraph (B).

(B) DOLLAR LIMIT.—The amount determined under this subparagraph for any taxable year is—

(i) $400,000 for an individual who is a taxpayer not described in clause (ii) or (iii),

(ii) $450,000 in the case of an individual who is a member of a joint return or a surviving spouse described in section 2(b), and

(iii) $400,000, in the case of an individual who is a member of an individual filing a joint return or a surviving spouse (as defined in section 2(b)).

“(C) MODIFIED ADJUSTED GROSS INCOME.—For purposes of this paragraph, the term ‘modified adjusted gross income’ means adjusted gross income determined without regard to sections 911, 931, and 933, without regard to any deduction for annual additions to individual retirement plans to which subsection (a) applies, and without regard to any increase in minimum required distributions by reason of section 4974(e).

“(D) ADJUSTMENTS FOR INFLATION.—

(A) IN GENERAL.—If, as of the close of any taxable year, 1 or more participant or beneficiary in an applicable retirement plan (as defined in paragraph (3)(A) without regard to subparagraph (D) thereof) has a vested account balance of at least $2,500,000, the plan administrator shall file a statement with the Secretary, with respect to such plan and each such participant or beneficiary, which includes—

(i) the name and identifying number of each such participant or beneficiary,

(ii) the amount of the vested account balance of each such participant or beneficiary, and

(iii) a statement certifying of such plan's account balances in designated Roth accounts (within the meaning of section 402A) and all other vested account balances.

(B) RAGB DETERMINATION STATEMENT.—If both subparagraph (A) and paragraph (1) apply to a plan, the plan administrator shall include the information required under subparagraph (A) in the registration statement under paragraph (1) rather than file a statement under subparagraph (A).
owner, or beneficiary) in all applicable retirement plans (determined as of the close of the calendar year preceding the calendar year in which the taxable year begins) exceed the applicable plan balance in the plan determined without regard to this subsection or of the plan or plans from which it is required to be distributed.

(‘‘B) ALLOCATION OF INCREASE IN MINIMUM REQUIRED DISTRIBUTIONS.—

(1) IN GENERAL.—Except as provided in clause (2) of this paragraph, the taxpayee may, in such form and manner as the Secretary prescribes, allocate any increase in minimum required distributions by reason of this subsection to applicable retirement plans treated as one plan under subparagraph (A) in such manner as the taxpayer chooses.

(2) REQUIREMENT TO ALLOCATE DISTRIBUTIONS TO HIGH BALANCE RETIREMENT ACCOUNTS.—In the case of a taxable year to which paragraph (2) applies, the portion of any increase in minimum required distributions by reason of this subsection shall be allocated first to Roth excess amounts and then to designated Roth accounts (within the meaning of section 402A) of the payee.

(3) WITHHOLDING.—Section 3405(b) is amended by adding at the end the following new sentence: ‘‘This subparagraph shall not apply if any portion of the plan balance described in subparagraph (B) (other than from a designated Roth account (within the meaning of section 402A)) if any portion of the distribution from which such contribution is made would (without regard to such contribution) be treated as not includable in gross income.’’

(B) CONVERSIONS.—Subparagraph (C) of section 408A(e)(4)(B) is amended by inserting ‘‘, determines the amount of the applicable plan that is allocated to a designated Roth account (within the meaning of section 402A) if any portion of the distribution from which such contribution is made would (without regard to such contribution) be treated as not includable in gross income.’’

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to any distribution to which this paragraph applies.

(c) EFFECTIVE DATES.—

(1) IN GENERAL.—The amendments made by subsection (a) shall apply to taxable years beginning after December 31, 2028.

(2) ANNUAL LIMITATION.—The amendments made by subsection (b) shall apply to plan years beginning after December 31, 2028.

Subpart B—Other Provisions Relating to Individual Retirement Plans

SEC. 138311. TAX TREATMENT OF ROLLOVERS TO ROTH IRAS AND ACCOUNTS.

(a) ROLLOVERS AND CONVERSIONS LIMITED TO TAXABLE AMOUNTS.—

(1) ROTH IRAS.—

(A) IN GENERAL.—Paragraph (1) of section 408A(e) is amended by adding at the end the following new sentence: ‘‘A qualified rollover contribution shall not include any rollover contribution from any eligible retirement plan described in subparagraph (B) (other than from a designated Roth account (within the meaning of section 402A)) if any portion of the distribution from which such contribution is made would (without regard to such contribution) be treated as not includable in gross income.’’

(B) CONVERSIONS.—Subparagraph (C) of section 408A(e)(4) is amended by adding at the end the following new sentence: ‘‘This subparagraph shall not apply if any portion of the plan being converted would be treated as not includable in gross income if distributed at the time of the conversion.’’

(2) DESIGNATED ROTH ACCOUNTS.—Section 402A(c)(4)(B) is amended by inserting ‘‘, determines the amount of the applicable plan that is allocated to a designated Roth account (within the meaning of section 402A) if any portion of the distribution from which such contribution is made would (without regard to such contribution) be treated as not includable in gross income.’’

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions, transfers, and conversions made after December 31, 2021.

(b) NO ROLLOVERS OR CONVERSIONS FOR HIGH-INCOME TAXPAYERS.

(1) ROTH IRAS.—

(A) QUALIFIED ROLLOVER CONTRIBUTION.—

Section 408A(e), as amended by subsection (a), is amended by adding at the end the following new paragraph:

‘‘(3) ADDITIONAL WITHHOLDING FOR REQUIRED TAXABLE AMOUNTS.—

‘‘(A) a taxpayer is an applicable taxpayer (as defined in section 408A(b)(4)) for the taxable year in which a distribution is made pursuant to a salary reduction agreement (within the meaning of section 402(p)(3)) from the employee’s annuity contract in such amount as the employee may elect.’’

(B) GOVERNMENTAL PLANS.—Section 457(d)(1) is amended by adding at the end the following new sentence: ‘‘This subparagraph shall not apply if any portion of the plan balance described in subparagraph (B) (other than from a designated Roth account (within the meaning of section 402A)) if any portion of the distribution from which such contribution is made would (without regard to such contribution) be treated as not includable in gross income.’’

(B) ELIMINATION OF CONVERSIONS.—

—Paragraph (3) of section 408A(d), as amended by subsection (a), is amended by adding at the end the following new paragraph: ‘‘(2) NO ROLLOVERS OR CONVERSIONS FOR HIGH-INCOME TAXPAYERS.—If a taxpayer is an applicable taxpayer (as defined in section 408A(b)(4)) for any taxable year, this paragraph shall not apply to any distribution to which this paragraph otherwise applies (or to any conversion described in subparagraph (C)) which is made during such taxable year.”

(c) DESIGNATED ROTH ACCOUNTS.—

—Paragraph (4) of section 402A(c) is amended by adding at the end the following new paragraph: ‘‘(F) PARAGRAPH NOT TO APPLY TO HIGH-INCOME TAXPAYERS.—If a taxpayer is an applicable taxpayer (as defined in section 408A(b)(4)) for any taxable year, this paragraph shall not apply to any distribution to which this paragraph otherwise applies (or to any conversion described in subparagraph (C)) which is made during such taxable year.”

(d) CONFORMING AMENDMENT.—

—Section 408A(b)(4)(C), as added by this Act, is amended by—

(1) striking ‘‘and without regard to’’ and inserting ‘‘without regard to’’, and

(2) inserting ‘‘, and (3)’’ before the period at the end of the section.
PART 4—FUNDING THE INTERNAL REVENUE SERVICE AND IMPROVING TAX-PAYERS COMPLIANCE

SEC. 138401. ENHANCEMENT OF INTERNAL REVENUE SERVICE RESOURCES.

(a) APPROPRIATIONS.—

(I) IN GENERAL.—The following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2023:

(ii) T AXPAYERS.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance, education, and filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,043,500,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(iii) PROFESSIONAL ORGANIZATIONAL.—For necessary expenses for professional organizational, and internal matters, including the periodic printing of the Internal Revenue Code and other publications, $14,900,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(iii) TAX COMPLIANCE.—For necessary expenses for tax enforcement activities of the Internal Revenue Service to determine and collect owed taxes, to provide legal and litigation support, to conduct criminal investigations (including investigative technology), to provide digital asset monitoring and enforcement, to enforce criminal statutes related to violations of internal revenue laws and other financial crimes, to purchase passenger motor vehicles (31 U.S.C. 1343(b)), and to provide other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $1,931,500,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(ii) ENFORCEMENT.—For necessary expenses of the Internal Revenue Service to provide taxpayer services, including pre-filing assistance, education, and filing and account services, taxpayer advocacy services, and other services as authorized by 5 U.S.C. 3109, at such rates as may be determined by the Commissioner, $3,043,500,000, to remain available until September 30, 2023: Provided, That these amounts shall be in addition to amounts otherwise available for such purposes.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to transactions occurring after December 31, 2021.
(1) utilizing direct hire authority to recruit and appoint qualified applicants, without regard to any notice or preference requirements, directly to positions in the competitive service; (2) in addition to paragraphs (1) and (3) of section 7812(c) of the Internal Revenue Code of 1986, appointing not more than 200 individuals to positions in the Internal Revenue Service under streamlined critical path procedures, so that—

(A) the authority to offer streamlined critical path under this paragraph shall expire on September 30, 2021; and

(B) the procedures for which streamlined critical path is authorized under this paragraph may include positions critical to the purposes described in the following subparagraphs:

(1) (I), (II), and (III) of subsection (a)(1)(A)(ii); and

(3) appointing, without approval of the Office of Personnel Management, not more than 300 individuals in positions in the Internal Revenue Service for which—

(A) the rate of basic pay may not exceed the salary set in accordance with section 104 of title 3, United States Code; and

(B) the total annual compensation paid to an employee in such a position, including allowances, differentials, bonuses, awards, and similar cash consideration, does not exceed $600, or

(C) the position is authorized under section 3406(b)(8)(A) of the Internal Revenue Code of 1986 (as added by this section) shall be treated as a requirement under section 6050W which is made during calendar year 2022, equals or exceeds $600, or

(D) the third party settlement organization to the payment only if—

(1) the following new subsection:

(a) the following new subsection:

(b) REPEAL OF APPROVAL REQUIREMENT.—SEC. 138403. MODIFICATION OF PROCEDURAL REQUIREMENTS RELATING TO THIRD PARTY NETWORK TRANSACTIONS.

(a) IN GENERAL.—Section 312(m) is amended by adding at the end the following new paragraph:

(9) other reportable payments include payments in settlement of third party network transactions only where aggregate for calendar year is 800 or more.—Any payment in settlement of a third party network transaction required to be shown on or included under section 6050W which is made during any calendar year shall be treated as a reportable payment only if—

(A) the aggregate amount of such payment and all previous such payments made by the third party settlement organization to the participating payee during such calendar year equals or exceeds $600, or

(B) the third party settlement organization was required under section 6050W to file a return for the preceding calendar year with respect to the participating payee.

(b) CONFORMING AMENDMENT.—Section 6050W(e) is amended by inserting “equal or” before “exceeds” $600.

c) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138502. EXTENSION OF TAX TO FUND BLACK LUNG DISABILITY TRUST FUND.

(a) IN GENERAL.—Section 412(e)(2)(A) is amended by striking “December 31, 2021” and inserting “December 31, 2025”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to sales after December 31, 2021.

SEC. 138503. PROHIBITED TRANSACTIONS RELATING TO HOLDING DISC OR FSC IN INDIVIDUAL RETIREMENT ACCOUNT.

(a) IN GENERAL.—Section 4975(c)(1) is amended by striking paragraph (A), (B), and (C) of such paragraph and inserting—

(1) by inserting “(including performance-based compensation, commissions, post-termination compensation, and beneficiary payments)” after paragraph (6)(C), and

(2) by striking “or” as used in the preceding sentence, the definitions and rules of section 4975(c)(4) shall apply.

(3) by striking paragraph (B) as redesignated by subsection (a)(7), such account ceases to be an individual retirement account as of the first day of such taxable year.

(c) APPLICATION OF TAX TO TERMINATED INDIVIDUAL RETIREMENT ACCOUNT.

(a) IN GENERAL.—Section 408(e)(2) is amended by striking “(A)” and inserting “(B)”.

(b) EFFECTIVE DATE.—The amendment made by this section shall apply to accounts after December 31, 2021.

SEC. 138504. CLARIFICATION OF TREATMENT OF DISC OR FSC UNDER PARAGRAPH (A), THE RULES PRESCRIBED BY SECTION 318 FOR DETERMINING OWNERSHIP SHALL APPLY, EXCEPT THAT SUCH SECTION SHALL BE APPLIED BY SUBSTITUTE 10 PERCENT FOR 5 PERCENT OF EACH SUCH ACCOUNT BEARDS.


(b) RELATED RULES FOR INDIVIDUAL RETIREMENT ACCOUNTS.—SEC. 138505. REPEAL OF APPROVAL REQUIREMENT FOR CALENDAR YEAR IS $600 OR MORE.—Any payment in settlement of a third party network transaction made after December 31, 2021.

(1) IN GENERAL.—Section 3406(b) is amended by inserting after subsection (a) the following new paragraph:

(1) by redesignating subparagraph (B) as subparagraph (C), (2) by inserting “(A)” after subparagraph (A), and, (3) by striking “(B)” after subparagraph (B).

(b) EFFECTIVE DATE.—The amendments made by this section shall apply, except that such section shall be amended to delete the requirements described in paragraph (1)(G).

(c) PROHIBITED INVESTMENT.—If—

(1) during any taxable year of the individual for whose benefit any individual retirement account is maintained, the investment of any of the funds in a DISC or FSC under subparagraph (A), the rules prescribed by section 318 for determining ownership shall apply, except that such section shall be applied by substituting '‘10 percent for 5 percent of each such account bears.’’


(d) RELATED RULES FOR INDIVIDUAL RETIREMENT ACCOUNTS.—SEC. 138506. REPEAL OF APPROVAL REQUIREMENT FOR CALENDAR YEAR IS $600 OR MORE.—Any payment in settlement of a third party network transaction made after December 31, 2021.

(1) IN GENERAL.—Section 4975(c)(3) is amended by adding at the end the following:

(2) EFFECTIVE DATE.—The preceding sentence shall not apply in the case of any distribution described in paragraph (1)(G).

(3) by striking paragraph (B) as redesignated by subsection (a)(7), such account ceases to be an individual retirement account as of the first day of such taxable year.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to accounts after December 31, 2021.

SEC. 138507. CLARIFICATION OF TREATMENT OF DISC OR FSC IN INDIVIDUAL RETIREMENT ACCOUNT.

(a) IN GENERAL.—Section 4975(c)(1) is amended by striking paragraph (A) and inserting—

(1) by redesignating subparagraph (B) as subparagraph (A), (2) by striking “transaction” both places it appears and inserting “transaction or investment”; and

(3) by striking “section 4975(c)(3)” and inserting “qualified investment”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to accounts after December 31, 2021.

SEC. 138508. CLARIFICATION OF TREATMENT OF DISC OR FSC IN INDIVIDUAL RETIREMENT ACCOUNT.

(a) IN GENERAL.—Section 4975(c)(1) is amended by striking paragraph (A) and inserting—

(1) by redesignating subparagraph (B) as subparagraph (A), (2) by striking “transaction” both places it appears and inserting “transaction or investment”; and

(3) by striking “section 4975(c)(3)” and inserting “qualified investment”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to accounts after December 31, 2021.

SEC. 138509. REPEAL OF APPROVAL REQUIREMENT FOR CALENDAR YEAR IS $600 OR MORE.—Any payment in settlement of a third party network transaction made after December 31, 2021.

(1) IN GENERAL.—Section 3406(b) is amended by inserting after subsection (a) the following new paragraph:

(1) by redesignating subparagraph (B) as subparagraph (A), (2) by striking “transaction” both places it appears and inserting “transaction or investment”; and

(3) by striking “section 4975(c)(3)” and inserting “qualified investment”.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to accounts after December 31, 2021.
(b) (D)OLLAR LIMITATION.—Section 181(a)(2) is amended by adding at the end the following new subsection:

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SEC. 6433. DYED FUEL.

(u) IN GENERAL.—If a person establishes to the satisfaction of the Secretary that such person meets the requirements of subsection (b) with respect to diesel fuel or kerosene, then the Secretary shall pay to such person an amount equal to the tax described in subsection (b)(2)(A) with respect to such diesel fuel or kerosene.
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(b) (R)EQUIREMENTS.—

(1) IN GENERAL.—A person meets the requirements of this subsection with respect to diesel fuel or kerosene if such person removes from a terminal eligible indelibly dyed diesel fuel or kerosene:

(A) with respect to which a tax under section 4081 was previously paid (and not credited or refunded), and

(B) which is exempt from taxation under section 4082(a).

(2) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675.

(c) (R)EFUND.—In any case where the Secretary determines that a creditor has received more than the amount of any tax described in subsection (a) due to a mistake of law, the Secretary shall refund the amount of the tax to the creditor.

(B) (O)UTLINE.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene:

(1) which are removed from a terminal;

(2) that are in accordance with the requirements of this subsection;

(3) that are not subject to any Federal tax; and

(4) that are not subject to any State or local tax.

The term 'terminal' means a facility or point of storage, delivery, or transfer of diesel fuel or kerosene.

(d) (R)ELATION TO OTHER PROVISIONS.—

(1) IN GENERAL.—In any case where the Secretary determines that a creditor has received more than the amount of any tax described in subsection (a) due to a mistake of law, the Secretary shall refund the amount of the tax to the creditor.

(2) CROSS REFERENCE.—For civil penalty for excessive claims under this section, see section 6675.

(e) (O)UTLINE.—The term 'eligible indelibly dyed diesel fuel or kerosene' means diesel fuel or kerosene:

(1) which are removed from a terminal;

(2) that are in accordance with the requirements of this subsection;

(3) that are not subject to any Federal tax; and

(4) that are not subject to any State or local tax.

The term 'terminal' means a facility or point of storage, delivery, or transfer of diesel fuel or kerosene.

(f) (D)ETERMINATIONS MADE BY SECRETARY.—

The determination of whether any provision of the Financial Guaranty Insurance Guideline has been satisfied shall be made by the Secretary.

(1) IN GENERAL.—The term 'Financial Guaranty Insurance Guideline' means the October 2008 model regulation that was adopted by the National Association of Insurance Commissioners on December 4, 2007.

(g) REPORTING OF CERTAIN ITEMS.—Section 1297(f)(4) is amended by adding at the end the following new subparagraph:

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(i) such company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses related to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract.
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(h) (I)N GENERAL.—Notwithstanding subparagraphs (A)(i) and (B), the applicable insurance liabilities of such insurer or company shall include its unearned premium reserves—

(1) to the extent an insurer or company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses related to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract.

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(II) the applicable financial statement of such company reports financial guaranty exposure of at least 15,000 or State or local bond exposure of at least $1 billion of a taxable year of such company which ends on or before December 31, 2018, and

(III) such company is not in its insurance liabilities only its unearned premium reserves relating to insurance written or assumed that is within the single risk limits set forth in subsection (b) of section 4 of the Financial Guaranty Insurance Guideline (modified by using total shareholder's equity as reported on the applicable financial statement of the company rather than aggregate of the surplus to policyholders and contingency reserves).

(III) APPLICATION OF ALTERNATIVE FACTS AND CIRCUMSTANCES TEST.—A financial guaranty insurance company shall apply the requirements of paragraph (2)(B)(ii).

(IV) FINANCIAL GUARANTY INSURANCE COMPANY.—For purposes of this subparagraph, the term 'financial guaranty insurance company' means any insurance company the sole business of which is writing or reinsuring financial guaranty insurance (as defined in the first sentence of section 1 of the Financial Guaranty Insurance Guideline) which is permitted under subsection (b) of section 4 of such Guideline.

(V) STATE OR LOCAL BOND EXPOSURE.—For purposes of this subparagraph, the term 'State or local bond exposure' means the ratio of—

(1) the net unpaid principal of State or local bonds covered by this title to the total assets of the company that is within the single risk limits set forth in the Financial Guaranty Insurance Guideline (as reported on such company's applicable financial statement), to—

(2) the company's total assets (as so reported).

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(II) (II) the company's total assets (as so reported).
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(II) DETERMINATIONS MADE BY SECRETARY.—

The determination of whether any provision of the Financial Guaranty Insurance Guideline has been satisfied shall be made by the Secretary.

(1) IN GENERAL.—The term 'Financial Guaranty Insurance Guideline' means the October 2008 model regulation that was adopted by the National Association of Insurance Commissioners on December 4, 2007.

(g) REPORTING OF CERTAIN ITEMS.—Section 1297(f)(4) is amended by adding at the end the following new subparagraph:

```
(i) such company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses related to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract.
```

(h) (I)N GENERAL.—Notwithstanding subparagraphs (A)(i) and (B), the applicable insurance liabilities of such insurer or company shall include its unearned premium reserves—

(1) to the extent an insurer or company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses related to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract.

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(II) the applicable financial statement of such company reports financial guaranty exposure of at least 15,000 or State or local bond exposure of at least $1 billion of a taxable year of such company which ends on or before December 31, 2018, and

(III) such company is not in its insurance liabilities only its unearned premium reserves relating to insurance written or assumed that is within the single risk limits set forth in subsection (b) of section 4 of the Financial Guaranty Insurance Guideline (modified by using total shareholder's equity as reported on the applicable financial statement of the company rather than aggregate of the surplus to policyholders and contingency reserves).
```

(III) APPLICATION OF ALTERNATIVE FACTS AND CIRCUMSTANCES TEST.—A financial guaranty insurance company shall apply the requirements of paragraph (2)(B)(ii).

(V) FINANCIAL GUARANTY INSURANCE COMPANY.—For purposes of this subparagraph, the term 'financial guaranty insurance company' means any insurance company the sole business of which is writing or reinsuring financial guaranty insurance (as defined in the first sentence of section 1 of the Financial Guaranty Insurance Guideline) which is permitted under subsection (b) of section 4 of such Guideline.

(II) (II) the company's total assets (as so reported).

(II) DETERMINATIONS MADE BY SECRETARY.—

The determination of whether any provision of the Financial Guaranty Insurance Guideline has been satisfied shall be made by the Secretary.

(1) IN GENERAL.—The term 'Financial Guaranty Insurance Guideline' means the October 2008 model regulation that was adopted by the National Association of Insurance Commissioners on December 4, 2007.

(g) REPORTING OF CERTAIN ITEMS.—Section 1297(f)(4) is amended by adding at the end the following new subparagraph:

```
(i) such company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses related to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract.
```

(h) (I)N GENERAL.—Notwithstanding subparagraphs (A)(i) and (B), the applicable insurance liabilities of such insurer or company shall include its unearned premium reserves—

(1) to the extent an insurer or company is prohibited under generally accepted accounting principles from reporting on its applicable financial statements reserves for losses and loss adjustment expenses related to a financial guaranty insurance or reinsurance contract except to the extent that losses and loss adjustment expenses are expected to exceed the unearned premium reserves on the contract.
SEC. 138515. TEMPORARY INCREASE IN EMPLOYER-PROVIDED CHILD CARE CREDIT.

(a) In General.—Section 45F is amended by adding at the end the following new subsection:

"(9) TEMPORARY INCREASE.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026—

"(1) INCREASE IN PERCENTAGE OF CREDIT FOR QUALIFIED CHILD CARE EXPENDITURES.—Subsection (a)(1) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(2) INCREASE IN DOLLAR LIMITATION.—Subsection (b) shall be applied by substituting $500,000 for $150,000.

"(3) PREVENTION OF DOLLAR LIMITATION ON QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURES.—The aggregate amount of qualified child care resource and referral expenditures taken into account under subsection (a)(2) for any taxable year shall not exceed $1,500,000.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138516. PAYROLL CREDIT FOR COMPENSATION OF LOCAL NEWS JOURNALISTS.

(a) In General.—Subchapter D of chapter 21 of such title is amended by adding at the end the following new section:

"SEC. 3135. LOCAL NEWS JOURNALIST COMPENSATION CREDIT.

"(a) In General.—In the case of an eligible local news journalist employer, there shall be allowed as a credit against the taxes imposed by section 3111(b) for a taxable year—

"(1) the deduction allowed by subsection (a)(1) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(2) the deduction allowed by subsection (a)(2) for any taxable year shall not exceed $1,500,000.

"(3) the amount of wages paid with respect to the employment of such local news journalist for any calendar quarter shall not exceed 1,300.

"(4) the amount of wages paid with respect to the employment of such local news journalist for any calendar quarter shall not exceed $12,500.

"(5) the amount of wages paid with respect to the employment of such local news journalist for any calendar quarter shall not exceed the wages imposed by section 3111(b) on the wages paid with respect to the employment of all the employees of the eligible local news journalist employer for any calendar quarter.

"(b) Limitations and Refundability.—

"(1) NUMBER OF LOCAL NEWS JOURNALISTS TAKEN INTO ACCOUNT.—The number of local news journalists taken into account under subsection (a) with respect to any eligible local news journalist employer for any calendar year shall not exceed 1,300.

"(2) WAGES TAKEN INTO ACCOUNT.—The amount of wages paid with respect to any individual which may be taken into account under subsection (a) during any calendar year by the eligible local news journalist employer shall not exceed $12,500.

"(3) CREDIT LIMITED TO EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar year shall not exceed the taxes imposed by section 3111(b) on the wages paid with respect to the employment of all the employees of the eligible local news journalist employer for any calendar quarter.

"(4) REFUNDABILITY OF EXCESS CREDIT.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (3) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138517. TEMPORARY INCREASE IN DUES.—

(a) In General.—Section 45F is amended by adding to the end of such section—

"(c) ALLOWANCE OF DEDUCTION FOR CERTAIN EXPENSES OF THE TRADE OR BUSINESS OF BEING AN EMPLOYEE.—

"(1) the provision described in section 501(c)(5) and with respect to which such taxpayer remained a member through the end of the taxable year,

"(2) the provision described in section 501(c)(5) and with respect to which such taxpayer remained a member through the end of the taxable year.

(b) Effective Date.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138517. TEMPORARY INCREASE IN DUES.—

(a) In General.—Section 45F is amended by adding at the end the following new subsection:

"(g) TEMPORARY INCREASE.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026—

"(1) INCREASE IN PERCENTAGE OF CREDIT FOR QUALIFIED CHILD CARE EXPENDITURES.—Subsection (a)(1) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(2) INCREASE IN DOLLAR LIMITATION.—Subsection (b) shall be applied by substituting $500,000 for $150,000.

"(3) PREVENTION OF DOLLAR LIMITATION ON QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURES.—The aggregate amount of qualified child care resource and referral expenditures taken into account under subsection (a)(2) for any taxable year shall not exceed $1,500,000.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138518. TEMPORARY INCREASE IN DUES.—

(a) In General.—Section 45F is amended by adding at the end the following new subsection:

"(h) TEMPORARY INCREASE.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026—

"(1) INCREASE IN PERCENTAGE OF CREDIT FOR QUALIFIED CHILD CARE EXPENDITURES.—Subsection (a)(1) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(2) INCREASE IN DOLLAR LIMITATION.—Subsection (b) shall be applied by substituting $500,000 for $150,000.

"(3) PREVENTION OF DOLLAR LIMITATION ON QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURES.—The aggregate amount of qualified child care resource and referral expenditures taken into account under subsection (a)(2) for any taxable year shall not exceed $1,500,000.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138519. TEMPORARY INCREASE IN DUES.—

(a) In General.—Section 45F is amended by adding at the end the following new subsection:

"(i) TEMPORARY INCREASE.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026—

"(1) INCREASE IN PERCENTAGE OF CREDIT FOR QUALIFIED CHILD CARE EXPENDITURES.—Subsection (a)(1) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(2) INCREASE IN DOLLAR LIMITATION.—Subsection (b) shall be applied by substituting $500,000 for $150,000.

"(3) PREVENTION OF DOLLAR LIMITATION ON QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURES.—The aggregate amount of qualified child care resource and referral expenditures taken into account under subsection (a)(2) for any taxable year shall not exceed $1,500,000.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138520. TEMPORARY INCREASE IN DUES.—

(a) In General.—Section 45F is amended by adding at the end the following new subsection:

"(j) TEMPORARY INCREASE.—In the case of any taxable year beginning after December 31, 2021, and before January 1, 2026—

"(1) INCREASE IN PERCENTAGE OF CREDIT FOR QUALIFIED CHILD CARE EXPENDITURES.—Subsection (a)(1) shall be applied by substituting ‘50 percent’ for ‘30 percent’.

"(2) INCREASE IN DOLLAR LIMITATION.—Subsection (b) shall be applied by substituting $500,000 for $150,000.

"(3) PREVENTION OF DOLLAR LIMITATION ON QUALIFIED CHILD CARE RESOURCE AND REFERRAL EXPENDITURES.—The aggregate amount of qualified child care resource and referral expenditures taken into account under subsection (a)(2) for any taxable year shall not exceed $1,500,000.

(b) Effective Date.—The amendment made by this section shall apply to taxable years beginning after December 31, 2021.
“(iii) if such qualifying publication is not primarily distributed in a metropolitan or micropolitan statistical area or a political subdivision of a State, the State in which such qualifying publication is primarily distributed.

For purposes of subparagraph (B), in the case of a qualifying publication which is a digital publication, such qualifying publication shall be considered to be primarily distributed in the area where such publication is primarily consumed.

(5) DISQUALIFIED ORGANIZATIONS.—The term ‘disqualified organization’ means—

(A) any organization described in section 501(c)(4) and exempt from tax under section 501(a),

(B) any organization described in section 537, and

(C) any organization that is owned or controlled (directly or indirectly) by one or more organizations described in subparagraph (A) or (B).

(6) GROSS RECEIPTS.—Except as provided in subparagraph (B), the term ‘gross receipts’ has the meaning given such term as used in section 446(c).

(7) TAX-EXEMPT ORGANIZATIONS.—In the case of an organization which is described in section 501(c) and exempt from tax under section 501(a), any reference in this section to gross receipts shall be a reference to gross receipts within the meaning of section 6033.

(8) OTHER TERMS.—Any term used in this section which is also used in this chapter shall have the same meaning as when used in such chapter.

(9) AGGREGATION RULE.—All persons treated as members of an organization under section 511(f) shall be treated as one employer for purposes of this section.

(10) CERTAIN RULES TO APPLY.—

(A) IN GENERAL.—For purposes of this section—

(i) except as provided in paragraph (2), rules similar to the rules of section 511(f)(1) shall apply, and

(ii) rules similar to the rules of section 280C(a) shall apply.

(B) EXCEPTION.—Paragraph (1)(A) shall not apply with respect to any local news journalist employed by an eligible local news journalist employer which employs fewer than 15 local news journalists to cover a calendar year.

(C) CERTAIN GOVERNMENTAL EMPLOYERS.—

(i) IN GENERAL.—This credit shall not apply to the Government of the United States, the government of a State, or subdivision thereof, or any agency or instrumentality of any of the foregoing.

(ii) EXCEPTION.—Paragraph (1) shall not apply to any public broadcasting entity as defined in section 397(b) of the Communications Act of 1934 (47 U.S.C. 397(b)).

(iii) ELECTRIC, GAS, AND WATER TAXES.—Section 41 shall be applied without regard to any electric, gas, or water tax imposed by any State.

(iv) SPECIAL RULES.—

(A) EMPLOYER NOT TAKEN INTO ACCOUNT MORE THAN ONCE.—An employer shall not be included for purposes of this section for any period with respect to any employer if such employer is included for purposes of this section in any manner as the Secretary may prescribe.

(B) DENIAL OF DOUBLE BENEFIT.—Any wages taken into account in determining the credit allowed under section 41 shall not be taken into account for purposes of determining the credit allowed under section 41, 45A, 45P, 45S, or 1396.

(C) THIRD-PARTY PAYORS.—Any credit allowed under section 41 shall not be taken into account in any manner as the Secretary may prescribe.

(v) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6566 for any failure to make a deposit of any taxes imposed under section 3111 if the Secretary determines that the deduction was attributable to the reasonable anticipation of the credit allowed under this section.

(vi) EXTENSION OF LIMITATION ON AMENDMENTS.—Notwithstanding section 691, the limitation on the time period for the assessment of any amount attributable to a credit claimed under this section shall not expire before the date that is 3 years after the date that is 3 years after the date the applicable credit was claimed under this section.

(11) REQUIREMENT.—The Secretary shall issue such forms, instructions, regulations, and guidance as are necessary—

(A) with respect to the application of the credit under subsection (a) to third-party payers (including professional employer organizations, certified professional employer organizations, or agents under section 3504), including regulations providing such payers to submit documentation necessary to substantiate the eligible employer status of employers that use such payers, and

(B) to preserve the avoidance of the purposes of the limitations under this section.

Any forms, instructions, regulations, or other guidance provided under paragraph (4) shall require the customer to be responsible for the accounting of the credit and for any liability for improperly claimed credits and shall require the certified professional employer organization or other third-party payer to accurately report such tax credits based on the information provided by the customer.

(12) APPLICABILITY.—This section shall only apply to wages paid in calendar quarters beginning after the date of the enactment of this section and beginning before the date that is 5 years after the first day of the first calendar quarter to which this section applies.

(b) REFUNDS.—Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ‘‘(ii)’’, after ‘‘(i)’’.

(2) CLERICAL AMENDMENT.—The table of sections for subchapter D of chapter 21 is amended by adding at the end the following:

‘‘sec. 3135. Above-the-line deduction for employee uniforms.’’.

(3) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar quarters beginning after the date of the enactment of this Act.

SEC. 138517. ABOVE-THE-LINE DEDUCTION FOR EMPLOYEE UNIFORMS.—

(a) IN GENERAL.—Section 62(a)(2), as amended by the preceding provision of this Act, is amended by adding at the end the following new subparagraph:

‘‘(B) WORK CLOTHES AND UNIFORMS.—In the case of an employee who is required to be in uniforms during the performance of services, the amount of the deduction for such uniforms shall not exceed the amount which is deductible under section 162(a).’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to calendar years beginning after December 31, 2021.

SEC. 138518. EXPENSES IN CONTINGENCY FEE CASES.—

(a) IN GENERAL.—Section 706 is amended by redesignating subsection (a) as subsection (b) and by inserting after subsection (b) the following new subsection:

‘‘(c) EXPENSES IN CONTINGENCY FEE CASES.—In the case of any amount paid or incurred in the ordinary course of the trade or business of practicing law the repayment of which is contingent on a recovery by judgment or settlement in the action to which such amount relates—

(1) if the date of the enactment of this Act shall be determined by disregarding the possibility that such amount will be repaid, and

(2) if any amount attributable to any related recovery shall not be reduced by such amount. ’’.

(b) EFFECTIVE DATE.—The amendments made by this section shall apply to amounts paid, incurred, or received in taxable years beginning after December 31, 2021.

SEC. 138519. INCREASE IN RESEARCH CREDIT AGAINST PAYROLL TAX FOR SMALL BUSINESSES.—

(a) IN GENERAL.—Clause (i) of section 41(h)(4)(B) is amended—

(1) by striking ‘‘AMOUNT’’ and inserting ‘‘AMOUNT’’, and

(2) by striking the parenthesis and inserting—

‘‘(i) IN GENERAL.—The amount, and

(b) ALLOWANCE OF CREDIT.—

(1) IN GENERAL.—Paragraph (1) of section 3111(f) is amended—

(A) by striking ‘‘for a taxable year, there shall be allowed’’ and inserting ‘‘for a taxable year—’’,

(B) by striking ‘‘equal to the’’ and inserting ‘‘equal to so much of the’’,

(C) by striking the parenthesis and inserting—

‘‘(A) there shall be allowed’’, and

‘‘(B) by striking ‘‘for the first calendar quarter which begins after the date on which the taxpayer files the return specified in section 41(h)(4)(A)(ii) an amount equal to so much of the payroll tax credit portion determined under section 41(h)(2) as is not allowed as a credit under subparagraph (A).’’.

(2) LIMITATION.—Paragraph (2) of section 3111(f) is amended—

(A) by striking ‘‘paragraph (1)’’ and inserting ‘‘paragraph (1)(A)’’, and

‘‘(B) by inserting ‘‘, and’’, and the credit allowed by paragraph (1)(B) shall not exceed the tax imposed by subsection (b) for any calendar quarter, after ‘‘calendar quarter’’.

(c) CARBON CREDIT.—Paragraph (3) of section 3111(f) is amended by striking ‘‘the credit’’ and inserting ‘‘any credit’’.

(d) DEDUCTION ALLOWED.—Paragraph (4) of section 3111(f) is amended—

(A) by striking ‘‘credit’’ and inserting ‘‘credits’’, and

(B) by striking ‘‘subsection (a)’’ and inserting ‘‘subsection (a) or (b)’’.

(2) AGREEMENT RULES.—Clause (ii) of section 41(h)(5)(B) is amended by striking ‘‘the $250,000 amount, and inserting ‘‘each of the $250,000 amounts’’.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to taxable years beginning after December 31, 2021.

SEC. 138520. IMPOSITION OF TAX ON NICOTINE.—

(a) IN GENERAL.—Section 507 is amended by redesignating subsection (h) as subsection (i) and by inserting after subsection (g) the following new subsection:

‘‘(h) NICOTINE.—On taxable nicotine, manufactured in or imported into the United States, there shall be imposed a tax equal to the dollar amount specified in section 5701(b)(1) (or, if greater, $50.33) per 1,810 milligrams of nicotine (and a proportionate tax at the like rate on any fractional part thereof).’’.

(b) ALLOWANCE OF CREDIT.—Section 507 is amended by adding at the end the following new subsection:
new subsection:

Section 5702, as amended by subsection (b), is hereby amended by adding after section 1184 (42 U.S.C. 1320e-3) the following new part:

"PART E—PRICE NEGOTIATION PROGRAM TO LOWER PRICES FOR CERTAIN HIGH-PRICED SINGLE SOURCE DRUGS

"SEC. 1191. ESTABLISHMENT OF PROGRAM.

"(a) In General.—The Secretary shall establish a Drug Price Negotiation Program (in this part referred to as the ‘program’). Under the program, with respect to each price applicability period, the Secretary shall—

"(1) publish a list of negotiation-eligible drugs and selected drugs in accordance with section 1192;

"(2) enter into agreements with manufacturers of selected drugs with respect to such period, in accordance with section 1193;

"(3) negotiate and, if applicable, renegotiate maximum fair prices for such selected drugs, in accordance with section 1194; and

"(4) carry out the administrative duties described in section 1196.

"(b) Definitions Relating to Timing.—For purposes of this part:

"(1) Initial Price Applicability Year.—The term ‘initial price applicability year’ means a year (beginning with 2025).

"(2) Price Applicability Period.—The term ‘price applicability period’ means, with respect to a qualifying single source drug, the period beginning with the first initial price applicability year with respect to which such drug is a selected drug and ending with the last year during which the drug is a selected drug.

"(3) Selected Drug Publication Date.—The term ‘selected drug publication date’ means, with respect to each initial price applicability year, February 1 of the year that begins 2 years prior to such year.

"(4) Negotiation Period.—The term ‘negotiation period’ means, with respect to an initial price applicability year with respect to a selected drug, the period beginning with the earlier of—

"(i) the date on which the manufacturer of the drug and the Secretary enter into an agreement under section 1193 with respect to such drug; or

"(ii) February 28 following the selected drug publication date with respect to such selected drug; and

"(B) ending on November 1 of the year that begins 2 years prior to the initial price applicability year.

"(c) Other Definitions.—For purposes of this part:

"(1) Maximum Fair Price Eligible Individual.—The term ‘maximum fair price eligible individual’ means, with respect to a selected drug—

"(A) in the case such drug is dispensed to the individual at a pharmacy, by a mail order service, or by another dispenser, an individual who is enrolled under a prescription drug plan under part D of title XVIII or an MA-PD plan under part C of such title if coverage is provided under such plan; and

"(B) in the case such drug is furnished or administered to the individual by a hospital, physician, or other provider of services or supplier described in section 1922(e) of title XVIII, including an individual who is enrolled under an MA plan under part C of such title, if such selected drug is covered under such part.

"(2) Maximum Fair Price.—The term ‘maximum fair price’ means, with respect to a year during which a price applicable with respect to a selected drug (as defined in section 1192(c)) with respect to such period, the price published pursuant to section 1193 of the Federal Register for such drug and year.

"(3) Uniform.—The term ‘uniform’ means, with respect to a drug or biological, the lowest identifiable uniform price (such as a cost or (A) is not subject to administrative or judicial review.

"(4) Total Expenditures.—The term ‘total expenditures’ includes, in addition to all expenditures with respect to part B of such title, expenditures for a drug or biological that are bundled or packaged into the payment for another product.

"SEC. 1192. SELECTION OF NEGOTIATION-ELIGIBLE DRUGS AS SELECTED DRUGS.

"(a) In General.—Not later than the selected drug publication date with respect to such year, the Secretary shall select the initial price applicability year, in accordance with subsection (b), the Secretary shall select and publish in the Federal Register a list of—

"(1) with respect to the initial price applicability year 2025, not more than 15 negotiation-eligible drugs described in subparagraph (A)(i) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year;

"(B) with respect to the initial price applicability year 2026, not more than 15 negotiation-eligible drugs described in subparagraph (A)(i) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year; and

"(C) with respect to the initial price applicability year 2027, not more than 15 negotiation-eligible drugs described in subparagraph (A)(i) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year;

"(D) with respect to the initial price applicability year 2028 or a subsequent year, not more than 20 negotiation-eligible drugs described in subparagraph (A)(i) of subsection (d)(1), but not subparagraph (B) of such subsection, with respect to such year; and

"(2) all negotiation-eligible drugs described in subparagraph (B) of such subsection with respect to such year.

Subject to subsection (c)(2) and section 1194(c)(7), such selected drug publication date shall be subject to the previous sentence shall be subject to the negotiation process under section 1194 for the negotiation period with respect to such initial price applicability year (and the renegotiation process under such section as applicable for any subsequent year during the applicable price applicability period).

"(b) Selection of Drugs.—

"(1) In General.—In carrying out subsection (a)(1), subject to paragraph (2), the Secretary shall, with respect to an initial price applicability year—

"(A) rank a combined list of negotiation-eligible drugs described in subsection (d)(1)(A) appearing in the total drug list for such drugs under parts B and D of title XVII, as determined by the Secretary, during the most recent period of 12 months prior to the selected drug publication date (but excluding any data available on October 31 of the year prior to the year of such drug publication date), with respect to such year, for which data are available, with the negotiation-eligible drugs with the highest total expenditures being ranked the highest; and

"(B) select from such ranked combined list for inclusion on the published list described in subsection (a)(1)(A) the negotiation-eligible drugs with the highest such rankings.
“(2) HIGH SPEND PART D DRUGS FOR 2025 AND 2026.—With respect to the initial price applicability year 2025 and with respect to the initial price applicability year 2026, the Secretary shall apply the Federal Food, Drug, and Cosmetic Act’s negotiating-eligible drugs described in subsection (d)(1)(A)’ were a reference to ‘negotiation-eligible drugs described in subsection (d)(1)(A)’ and as the reference to ‘total expenditures for such drugs under parts B and D of title XVIII’ were a reference to ‘total expenditures for such drugs under part D of title XVIII’.

(3) SELECTED DRUGS.—

(1) IN GENERAL.—For purposes of this part, consistent with subsection (e)(2) and subject to paragraph (4), the term ‘negotiating-eligible drug’ included on the list published under subsection (a) with respect to an initial price applicability year shall be referred to as a ‘selected drug’ with respect to such year and each subsequent year beginning the first year that begins after the date on which the Secretary determines at least one drug or biological product—

(A) is approved or licensed (as applicable) under section 505(j) of the Federal Food, Drug, and Cosmetic Act using such drug as the reference product; and

(B) is marketed pursuant to such approval or licensure.

(2) CLARIFICATION.—A negotiating-eligible drug—

(A) that is included on the list published under subsection (a) with respect to an initial price applicability year; and

(B) which the Secretary makes a determination described in paragraph (1) before or during the negotiation period with respect to such initial price applicability year, shall be considered to be a selected drug with respect to the negotiation process under section 1194 with respect to such negotiation period and shall continue to be selected during the negotiation period under paragraph (a) with respect to such initial price applicability year.

(4) NEGOTIATION-ELIGIBLE DRUG.—

(1) IN GENERAL.—For purposes of this part, subject to paragraph (2), the term ‘negotiating-eligible drug’ means, with respect to the selected drug publication date with respect to an initial price applicability year, a qualifying single source drug, as defined in subsection (e), that is described in either of the following subparagraphs:—

(A) that, in the case of a drug, a manufacturer, during the most recent period for which data are available, if at least 12 months prior to the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year;

(B) among the 50 qualifying single source drugs with the highest total expenditures under part B of title XVIII, as determined by the Secretary in accordance with paragraph (3), during 2021—

(i) are equal to or less than 1 percent of the total expenditures under such part B, as determined, for all covered Part D drugs during such year; and

(ii) are equal to at least 80 percent of the total expenditures under such part B, as determined, for all qualifying single source drugs covered under such part B during such year;

and

(C) for such initial price applicability year, at least 7 years will have elapsed since the date such licensure; and

(iii) that is not the reference product for any biological product that is licensed and marketed under section 505(k) of such Act.

(2) BIOLOGICAL PRODUCTS.—A biological product that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351 of such Act; and

(3) INSULIN PRODUCT.—Any insulin product that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act and is licensed under section 351 of the Public Health Service Act and marketed pursuant to such approval or licensure, including any insulin product that has been determined, for all qualifying single source drugs for which the manufacturer of the drug has an agreement under section 1860D–14A, during the most recent period for which data are available of at least 12 months prior to such initial price applicability year, at least 11 years will have elapsed since the date of such licensure; and

(iv) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

(5) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (a) or (b) of paragraph (1) that is the listed drug (as such term is used in section 505(i) of the Federal Food, Drug, and Cosmetic Act or the reference product (as defined in section 351(i) of the Public Health Service Act), with respect to an authorized generic drug, applying the provisions of this part, such authorized generic drug and such listed drug or reference product shall be treated as the same qualifying single source drug.

(6) CERTAIN ORPHAN DRUGS.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication (or indications) is for such rare disease or condition.

(7) USE OF DATA.—In determining whether a drug or biological product covered under part B of title XVIII that is described in any of the following:

(A) DRUG PRODUCTS.—A drug—

(i) that is approved under section 505(c) of the Federal Food, Drug, and Cosmetic Act and is marketed pursuant to such approval;

(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such approval; and

(iii) that is not the reference product for any drug that is approved and marketed under section 505(k) of such Act.

(B) BIOLOGICAL PRODUCTS.—A biological product—

(i) that is licensed under section 351(a) of the Public Health Service Act and is marketed under section 351 of such Act;

(ii) for which, as of the selected drug publication date with respect to such initial price applicability year, at least 11 years will have elapsed since the date of such licensure; and

(iii) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

(C) INSULIN PRODUCT.—Any insulin product that is approved under section 505 of the Federal Food, Drug, and Cosmetic Act and is licensed under section 351 of the Public Health Service Act and marketed pursuant to such approval or licensure, including any insulin product that has been determined, for all qualifying single source drugs for which the manufacturer of the drug has an agreement under section 1860D–14A, during the most recent period for which data are available of at least 12 months prior to such initial price applicability year, at least 11 years will have elapsed since the date such licensure; and

(iv) that is not the reference product for any biological product that is licensed and marketed under section 351(k) of such Act.

(8) TREATMENT OF AUTHORIZED GENERIC DRUGS.—

(A) IN GENERAL.—In the case of a qualifying single source drug described in subparagraph (a) or (b) of paragraph (1) that is the listed drug (as such term is used in section 505(i) of the Federal Food, Drug, and Cosmetic Act or the reference product (as defined in section 351(i) of the Public Health Service Act), with respect to an authorized generic drug, applying the provisions of this part, such authorized generic drug and such listed drug or reference product shall be treated as the same qualifying single source drug.

(B) AUTHORIZED GENERIC DRUG DEFINED.—

For purposes of this paragraph, the term ‘authorized generic drug’ means—

(i) in the case of a drug, an authorized generic drug (as such term is defined in section 505(i)(3) of the Federal Food, Drug, and Cosmetic Act); and

(ii) in the case of a biological product, a reference product (as such term is defined in section 351(i) of the Public Health Service Act) that—

(I) has been licensed under section 351(a) of such Act; and

(II) is marketed, sold, or distributed directly or indirectly to retail class of trade under a different labeling, packaging (other than repackaging as the reference product in blister packs, unopened, or similar packaging for use in institutions), product code, labeler code, trade name, or trademark mark than the reference product.

(9) USE OF DATA.—In determining whether a drug or biological product covered under part B of title XVIII that is described in any of the following:

(A) CERTAIN ORPHAN DRUGS.—A drug that is designated as a drug for only one rare disease or condition under section 526 of the Federal Food, Drug, and Cosmetic Act and for which the only approved indication (or indications) is for such rare disease or condition.

(B) LOW SPEND MEDICARE DRUGS.—A drug or biological product (other than an insulin product described in paragraph (1)(C)) with respect to which the total expenditures under parts B and D of title XVIII, as determined by the Secretary, during the most recent period for which data are available of at least 12 months prior to
the selected drug publication date (but ending no later than October 31 of the year prior to the year of such drug publication date), with respect to such year is less than—

(1) $200,000,000; or

(2) with respect to a subsequent year, the dollar amount specified in this subparagraph for the previous year increased by the annual percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) as of December of such previous year.

(f) NO ADMINISTRATIVE OR JUDICIAL REVIEW OF DETERMINATIONS.—The determination of negotiation-eligible drugs under subsection (d) and the selection of drugs under this section are not subject to administrative or judicial review.

**SEC. 1193. MANUFACTURER AGREEMENTS.**

(a) IN GENERAL.—For purposes of section 1192(a)(2), the Secretary shall enter into agreements with manufacturers of selected drugs with respect to a price applicability period, by not later than February 28 following the selected drug publication date with respect to such selected drug, under which—

(1) during the negotiation period for the initial price applicability year for the selected drug, the Secretary and manufacturer, in accordance with section 1194, negotiate to determine a maximum fair price for such drug for the purpose described in section 1192(c); and

(2) to hospitals, physicians, and other providers of services (all suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug) during, subject to subparagraph (A), the price applicability period; and

(b) to hospitals, physicians, and other providers of services (all suppliers with respect to maximum fair price eligible individuals who with respect to such drug are described in subparagraph (B) of such section and are furnished or administered such drug) during, subject to subparagraph (A), the price applicability period.

(c) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug, with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

(1) shall during the negotiation period with respect to such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

(2) renegotiate, in accordance with the process specified pursuant to subsection (i), such maximum fair price for such drug if such drug is a renegotiation-eligible drug under such subsection.

**SEC. 1194. NEGOTIATION AND RENEGOTIATION PROCESS.**

(a) IN GENERAL.—For purposes of this part, under an agreement under section 1193 between the Secretary and a manufacturer of a selected drug, with respect to the period for which such agreement is in effect and in accordance with subsections (b), (c), and (d), the Secretary and the manufacturer—

(1) shall during the negotiation period with respect to such drug, in accordance with this section, negotiate a maximum fair price for such drug for the purpose described in section 1193(a)(1); and

(2) renegotiate, in accordance with the process specified pursuant to subsection (i), such maximum fair price for such drug if such drug is a renegotiation-eligible drug under such subsection.

(b) NEGOTIATION PROCESS REQUIREMENTS.—

(1) METHODOLOGY AND PROCESS.—The Secretary shall develop and use a consistent methodology and process, in accordance with paragraph (2), to conclude subsection (a) that aims to achieve the lowest maximum fair price for each selected drug.

(c) INITIAL OFFER BY MANUFACTURER.—

(1) IN GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first year of the price applicability period with respect to such drug, shall not exceed the applicable amount described in paragraph (2), with respect to such drug, of the following:

(A) the average of the non-Federal average manufacturer price for such drug for the first 3 calendar quarters of 2021, for the first full year following the market entry for such drug, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the Medicare Payment Advisory Commission for purposes of carrying out this part.

(B) the ceiling determined under subsection (c) for the selected drug and year; or

(2) as applicable, is less than the floor determined under subsection (d) for the selected drug and year.

**CEILING FOR MAXIMUM FAIR PRICE.**

(1) GENERAL.—The maximum fair price negotiated under this section for a selected drug, with respect to the first year of the price applicability period with respect to such drug, shall not exceed the applicable amount described in paragraph (2), with respect to such drug, of the following:

(A) INITIAL PRICE APPLICABILITY YEAR 2021 AND SUBSEQUENT YEARS.—In the case of a selected drug with respect to which such initial price applicability year is 2021, the average of the non-Federal average manufacturer price for such drug for the first 3 calendar quarters of 2021, for the first full year following the market entry for such drug, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the Medicare Payment Advisory Commission for purposes of carrying out this part, as applicable, to the year prior to the selected drug publication date with respect to such initial price applicability year.

(B) INITIAL PRICE APPLICABILITY YEAR 2025 AND SUBSEQUENT YEARS.—In the case of a selected drug with respect to which such initial price applicability year is 2025, the average of the non-Federal average manufacturer price for such drug for the first 3 calendar quarters of 2024, for the first full year following the market entry for such drug, increased by the percentage increase in the consumer price index for all urban consumers (all items; United States city average) for the Medicare Payment Advisory Commission for purposes of carrying out this part, as applicable, to the year prior to the selected drug publication date with respect to such initial price applicability year.

**NOTICE OF INITIAL OFFER.**

(1) IN GENERAL.—Not later than 30 days after the date of receipt of an initial offer under subparagraph (B), the manufacturer shall either accept such offer or propose a counteroffer to such offer.

(ii) shall be in writing; and

(II) shall be justified based on the factors described in subsection (e).

(D) RESPONSE TO COUNTEROFFER.—After receiving a counteroffer under subparagraph (C), the Secretary shall respond in writing to such counteroffer.
year prior to the selected drug publication date with respect to such initial price applicability year; or
(ii) the non-Federal average manufacturer price for the year prior to the selected drug publication date with respect to such initial price applicability year.

(2) APPLICABLE PERCENT DECREASE.—For purposes of paragraph (1), the applicable percent described in this paragraph is the following:

(A) SHORT-MONOPOLY DRUGS.—With respect to a selected drug (other than a post-exclusivity drug and a long-monopoly drug), 75 percent.

(B) POST-EXCLUSIVITY DRUGS.—With respect to a selected drug, 55 percent.

(C) LONG-MONOPOLY DRUGS.—With respect to a long-monopoly drug, 40 percent.

(3) POST-EXCLUSIVITY DRUG DEFINED.—In this part, subject to subparagraph (B), the term 'post-exclusivity drug' means, with respect to an initial price applicability year, a selected drug for which at least 12 years, but fewer than 16 years, have elapsed since the date of approval of such drug under section 505(c) of the Federal Food, Drug, and Cosmetic Act or since the date of licensure of such drug (as defined in section 351(a) of the Public Health Service Act, as applicable.

(4) EXCLUSIONS.—The term 'post-exclusivity drug' shall not include any of the following:

(A) The term 'post-exclusivity drug', unless licensed under section 351 of the Public Health Service Act and marketed pursuant to such section.

(B) A drug that had an agreement under this part with the Secretary prior to the initial price applicability year 2030.

(5) CLARIFICATION.—Nothing in subpart (B)(ii) shall limit the transition of a selected drug described in paragraph (2)(A) to a long-monopoly drug if the selected drug meets the definition of a long-monopoly drug.

(6) Average Manufacturer Price.—In this part, subject to subparagraph (B), the term 'average manufacturer price' has the meaning given such term in section 421(b)(5) of title 38, United States Code.

(7) ADDITIONAL INFORMATION.—Information submitted in accordance with a process specified by the Secretary, by other parties that are affected by the establishment of a maximum fair price for the selected drug.

(f) RENEGOTIATION PROCESS.—

(1) IN GENERAL.—In the case of a renegotiation-eligible drug (as defined in paragraph (2)) that is selected under paragraph (3), the Secretary shall determine the maximum fair price for such drug and the extent of the drug's effect on existing therapeutic alternatives.

(2) INFORMATION ON UNMET MEDICAL NEEDS AND ALTERNATIVE TREATMENTS.—The following information, with respect to such selected drug:

(A) The extent to which the drug represents a therapeutic advance as compared to existing therapeutic alternatives and, to the extent such information is available, the costs of such existing therapeutic alternatives.

(B) Information on approval by the Food and Drug Administration of alternative drug products or biological products.

(C) Information on comparative effectiveness research for such products, taking into consideration the effects of such products on specific populations, such as individuals with disabilities, the elderly, the terminally ill, children, and other patient populations.

(D) The extent to which the drug addresses unmet medical needs for a condition for which treatment or diagnosis is not addressed adequately by available therapy.

(3) ADDITIONAL INFORMATION.—Information submitted in accordance with a process specified by the Secretary, by other parties that are affected by the establishment of a maximum fair price for the selected drug.

(4) RENEGOTIATION PROCESS.—The Secretary shall select renegotiation-eligible drugs described in subparagraph (A) of paragraph (2) and shall determine the maximum fair price for such drug and the extent of the drug's effect on existing therapeutic alternatives.

(5) CLARIFICATION.—A renegotiation-eligible drug for which the Secretary makes a determination described in section 1192(c)(1) before or during the period of renegotiation shall not be subject to the renegotiation process under this section.

(6) NO ADMINISTRATIVE OR JUDICIAL REVIEW.—The determination of renegotiation-eligible drugs under paragraph (2) and the selection process under paragraph (4) are not subject to administrative or judicial review.

(7) REQUEST FOR INFORMATION.—For purposes of negotiating a maximum fair price for a renegotiating (including for purposes of determining whether to renegotiate) the maximum fair price of a selected drug under this part with the manufacturer of the drug, with respect to a price applicability period, and other relevant data for purposes for this section:

(A) The Secretary shall, not later than the selected drug publication date, request drug pricing information from the manufacturer of such selected drug, including information described in subsection (e)(1) and

(B) by not later than March 1 following the selected drug publication date, the manufacturer of such selected drug shall submit to the Secretary such requested information in such form and manner as the Secretary requires. The Secretary shall request, from the manufacturer or others, all additional information needed for the negotiation and renegotiation process under this section.

(8) CLARIFICATION.—In no case shall the maximum fair price negotiated under this section for a renegotiation-eligible drug that is a qualifying single source drug described in subparagraph (A) or (B) of section 1192(c)(1) apply before—

(i) is not a long-monopoly drug; and

(ii) for which there is a change in status to that of a long-monopoly drug.

(9) MATERIAL CHANGES.—A selected drug for which the Secretary determines that there has been a material change of factors described in paragraph (1) or (2) of subsection (e).
(1) In the case of the selected drug is a qualifying single source drug described in such subparagraph, the date that is 9 years after the date on which the drug was approved under section 505 of the Federal Food, Drug, and Cosmetic Act; and

(2) in the case the selected drug is a qualifying single source drug described in such subparagraph, that is 13 years after the date on which the drug was licensed under section 351(a) of the Public Health Service Act.

(i) IMPLEMENTATION FOR 2025 AND 2026.—Notwithstanding any other provision of this part, the Secretary shall implement this section for 2025 and 2026 by program instruction or otherwise.

**SEC. 1195. PUBLICATION OF MAXIMUM FAIR PRICES.**

(a) In GENERAL.—With respect to an initial price applicability year and a selected drug with respect to such year—

(1) not later than November 15 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish in the Federal Register the maximum fair price for such drug negotiated under this part with the manufacturer of such drug;

(2) not later than November 30 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish in the Federal Register the maximum fair price for such drug described in paragraph (1); and

(3) March 1 of the year that is 2 years prior to such initial price applicability year, the Secretary shall publish on the Federal Register, subject to section 1194(e) and based on the considerations as described in section 1194(e), the explanation for the maximum fair price for such drug described in paragraphs (1) and (2).

(b) UPDATES.—

(1) SUBSEQUENT YEAR MAXIMUM FAIR PRICES.—For a selected drug, for each year subsequent to first initial price applicability year of the price applicability period with respect to such drug, the maximum fair price published for such drug for the previous year, increased by the annual percentage increase in the consumer price index for all urban consumers (all items; U.S. city average) as of September of such previous year; or

(2) in the case the maximum fair price for such drug was renegotiated, for the first year for which such renegotiated applies, such renegotiated maximum fair price.

(2) PRICES NEGOTIATED AFTER DEADLINE.—In the case of a selected drug with respect to an initial price applicability year for which the maximum fair price is determined under this part after the date of publication under this section, the Secretary shall publish such maximum fair price in the Federal Register not later than 30 days after the date such maximum price is so determined.

**SEC. 1196. ADMINISTRATIVE DUTIES; COORDINATION PROVISIONS.**

(a) ADMINISTRATIVE DUTIES.—

(1) In GENERAL.—For purposes of section 1191, the administrative duties described in this section are the following—

(A) The establishment of procedures to ensure that the maximum fair price for a selected drug is applied before—

(i) any contractor or financial assistance under other health benefit plans or programs that provide coverage or financial assistance for the purchase or provision of prescription drug coverage under such plan or program and the maximum fair price eligible individual; and

(ii) any other discounts.

(B) The establishment of procedures to compute and apply the maximum fair price across different strengths and dosage forms of a selected drug and not based on the specific formulation or package size or package type of the drug.

(C) The establishment of procedures to carry out the provisions of this part, as applicable, with respect to a selected drug, for which such price as so renegotiated applies, such drug was renegotiated, for the first year

(ii) maximum fair price eligible individuals who are enrolled under a prescription drug plan under part D of title XVIII or a MA–PD plan under part C of such title;

(D) The establishment of a negotiation process and renegotiation process in accordance with section 1194, including a process for acquiring information described in subsection (e) of such section.

(E) The establishment of an online portal which manufacturers shall be required to use to submit information described in section 1194(a)(2)(A).

(F) The sharing with the Secretary of the Treasury of such information as is necessary to—

(i) determine the maximum fair price under section 4102 of the Internal Revenue Code of 1986 (relating to enforcement of this part).

(ii) The establishment of an online portal

(G) The establishment of an attestation and verification process for purposes of applying section 1192(d)(2)(B).

(2) MONITORING COMPLIANCE.—The Secretary shall monitor compliance by a manufacturer with the terms of an agreement under section 1193, including by establishing a mechanism through which violations of such terms shall be reported.

(3) IMPLEMENTATION FOR 2025 AND 2026.—Notwithstanding any other provision of this part, the Secretary shall implement this section for 2025 and 2026 by program instruction or otherwise.

**SEC. 1197. CIVIL MONETARY PENALTY.**

(a) VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—Any manufacturer of a selected drug that has entered into an agreement under section 1193 with respect to a year shall include each covered part D drug that is a selected drug under section 1192 for which an agreement is in effect under section 1193 with respect to the year.

(b) IMPLEMENTATION FOR 2025 AND 2026.—Notwithstanding any other provision of this part, the Secretary shall publish in the Federal Register, subject to section 1194(c) and based on the considerations as described in section 1194(e), the explanation for the maximum fair price for such drug described in paragraphs (1) and (2).

**SEC. 1198. VIOLATIONS RELATING TO OFFERING OF MAXIMUM FAIR PRICE.—**Any manufacturer of a selected drug that has entered into an agreement under section 1193 with respect to a year shall include each covered part D drug that is a selected drug under section 1192 for which an agreement is in effect under section 1193 with respect to the year.

(b) APPLICATION OF MAXIMUM FAIR PRICES AND CONFORMING AMENDMENTS.

1. UNDER MEDICARE.

(A) APPLICATION TO PAYMENTS UNDER PART B.—Section 1847(a)(1)(B) of the Social Security Act (42 U.S.C. 1395u–2(a)(1)(B)) is amended by inserting "or in the case of such a drug or biological that is a selected drug (as referred to in section 1192(c)), with respect to a price applicability period (as defined in section 1191(b)(2)), 10 percent of the maximum fair price as defined in section 1191(c)(2) applicable for such drug and a year during such period" after subparagraph (a).

(B) APPLICATION UNDER MA OF COST-SHARING FOR PART D DRUGS BASED OFF OF NEGOTIATED PRICE.—Section 1852(a)(1)(B)(iv) of the Social Security Act (42 U.S.C. 1395u–22(a)(1)(B)(iv)) is amended—

(i) by redesigning subclause (VII) as subclause (VIII); and

(ii) by inserting after subclause (VII) the following subclause:

(VIII) A drug or biological that is a selected drug (as referred to in section 1192(c)).

(ii) by inserting the following subclause:

(C) EXCEPTION TO PART D NON-INTERFERENCE.—Section 1860D–11(n) of the Social Security Act (42 U.S.C. 1395w–111(n)) is amended—

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

(ii) in paragraph (2), by striking "or institute a price structure for the reimbursement of covered part D drugs" and inserting "or for covered part D drugs"; and

(iii) by adding at the end the following:

(2) may not institute a price structure for the reimbursement of covered part D drugs, except as provided under part E of such title; and

(D) APPLICATION AS NEGOTIATED PRICE UNDER PART D.—Section 1860D–2(d)(1) of the Social Security Act (42 U.S.C. 1395w–102(d)(1)) is amended by adding at the end the following subparagraph:

(E) COVERAGE OF SELECTED DRUGS.—Section 1860D–4(b)(3) of the Social Security Act (42 U.S.C. 1395w–104(b)(3)) is amended by adding at the end the following subparagraph:

(F) INFORMATION FROM PRESCRIPTION DRUG PLANS AND MA–PD PLANS REQUIRED.—
(i) Prescription drug plans.—Section 1860D–12(b) of the Social Security Act (42 U.S.C. 1395w–112(b)) is amended by adding at the end the following new paragraph:

"(3) Provision of information related to maximum fair prices.—Each contract entered into with a PDP sponsor under this part with respect to a prescription drug plan offered by such PDP sponsor shall require the sponsor to provide information to the Secretary as requested by the Secretary in accordance with section 119(a).

(ii) MA–PD plans.—Section 1857(f)(3) of the Social Security Act (42 U.S.C. 1395w–27(f)(3)) is amended by adding at the end the following new subparagraph:

"(E) Provision of information related to maximum fair prices.—Section 1860D–12(b)(6)."

(2) Drug price negotiation program prices included in best price.—Section 1927(c)(1)(C) of the Social Security Act (42 U.S.C. 1395w–8(c)(1)(C)) is amended—

(A) in clause (iii) by striking "any prices charged" and inserting "subject to clause (ii)(V), any prices charged"; and

(B) in clause (iv)—

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

(ii) in subclause (IV), by striking at the end the period and inserting "and"; and

(iii) by adding at the end the following new subclause:

"(V) In the case of a rebate period and a covered outpatient drug that is a selected drug (as referred to in section 1192(c)) during such rebate period, shall be inclusive of the maximum fair price (as defined in section 1191(c)(2)) for such drug with respect to such period.

SEC. 139002. SELECTED DRUG MANUFACTURER EXCISE TAX IMPOSED DURING NON-COMPLIANCE PERIODS.

(a) In general.—Chapter 32 of the Internal Revenue Code of 1986 is amended by adding at the end the following new chapter:

"SUBCHAPTER E—OTHER ITEMS"

"Sec. 4192. Selected drugs during noncompliance periods.

"Sec. 4192. Selected drugs during noncompliance periods.

"(a) In general.—There is hereby imposed on the sale by the manufacturer, producer, or importer of any selected drug during a day described in subsection (b) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing, an excise tax on such sale at a rate equal to the applicable percentage of the amount of such sale.

"(b) Noncompliance periods.—A day is described in this subsection with respect to a selected drug if it is a day during one of the following periods:

(1) The period beginning on the March 1st immediately following the selected drug publication date and ending on the first date during which the manufacturer of the drug has in place an agreement described in subsection (a) of section 1893 of the Social Security Act with respect to such drug.

(2) The period beginning on the November 2nd immediately following the March 1st described in paragraph (1) and ending on the first date during which the manufacturer of the drug and the Secretary have agreed to a maximum fair price under such agreement.

(3) In the case of a selected drug with respect to which the Secretary of Health and Human Services has specified a renegotiation period under such agreement, the period beginning on the first date described in paragraph (2) and ending on the last date described in paragraph (2) during which the manufacturer of the drug has agreed to a renegotiated maximum fair price under such agreement.

(4) With respect to information that is required to be submitted to the Secretary of Health and Human Services under such agreement, the period beginning on the date on which such Secretary certifies that such information is overdue and ending on the date that such information is so submitted.

(5) Applicable percentage.—For purposes of this section, the term 'applicable percentage' means—

"(1) in the case of a selected drug during the first 90 days described in subsection (b) with respect to such drug, 75 percent,

"(2) in the case of sales of such drug during the 91st day through the 180th day described in subsection (b) with respect to such drug, 75 percent,

"(3) in the case of sales of such drug during the 181st day through the 270th day described in subsection (b) with respect to such drug, 85 percent, and

"(4) in the case of sales of such drug during any subsequent day, 95 percent.

"(d) Selected drug.—For purposes of this section—

"(1) In general.—The term 'selected drug' means any selected drug (within the meaning of section 1192 of the Social Security Act) which is manufactured or produced in the United States or entered into the United States for consumption, use, or warehousing.

"(2) United States.—The term 'United States' has the meaning given such term by section 1191 of the Social Security Act.

"(E) Coordination with rules for possessions of the United States.—Rules similar to the rules in the rules under section 162(c)(2) shall apply for purposes of this section.

"(F) Anti-Use Rule.—In the case of a sale which was timed for the purpose of avoiding the tax imposed by this section, the Secretary may treat such sale as occurring during a day described in subsection (b).

"(G) No Deduction for Excise Tax Payments.—Section 275(a)(6) of the Internal Revenue Code of 1986 is amended by inserting "or by reason of paragraph (3) of section 412(c)" after the period at the end.

"(H) Certain Exemptions from Tax Not Applicable.—

"(1) Section 4221(a) of the Internal Revenue Code of 1986 is amended by adding at the end the following: "In the case of the tax imposed by section 4192, paragraphs (3), (4), (5), and (6) shall not apply.

"(2) Section 4121(e) of such Code is amended by adding at the end the following:

"(i) Information on the total number of billing units of the billing and payment code described in subparagraph (A) with respect to such drug and calendar quarter.

"(ii) Information on the amount (if any) of the excess average sales price increase described in subparagraph (A) with respect to such drug and calendar quarter.

"(iii) The rebate amount specified under such paragraph for such B rebatable drug and calendar quarter.

"(B) Manufacturer Requirement.—For each calendar quarter beginning on or after July 1, 2023, the manufacturer of such B rebatable drug shall, for such drug, not later than 30 days after the date of receipt from the Secretary of the information described in subparagraph (A) for such calendar quarter, provide to the Secretary a rebate that is equal to the amount specified in paragraph (3) for such drug for such calendar quarter.

"(C) Rebate Amount Defined.—

"(1) In general.—In this subsection, the term 'rebate amount' means any amount payable under this part if such drug were furnished to an individual enrolled under this part, except such term shall not include such a drug or biological product (as defined in subparagraph (H) of such subsection) but excluding a qualifying biosimilar biological product (as defined in subparagraph (B) of such clause) for such calendar quarter, provided such amount is payable under this part if such drug were furnished to an individual enrolled under this part, except such term shall not include such a drug or biological product (as defined in subparagraph (H) of such subsection) but excluding a qualifying biosimilar biological product (as defined in subparagraph (B) of such clause) for such calendar quarter.

"(ii) that is a vaccine described in subparagraph (A) or (B) of section 1681(s)(10).

"(iii) is $100.

"(C) Non-Patient Use Increase.—The amount applicable to such drug under paragraph (A)(i)—

"(i) for 2024, shall be the dollar amount specified under such subparagraph for 2023, increased by the percentage increase 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; and

"(ii) for a subsequent year, shall be the dollar amount specified in this clause (or clause (i)) for..."
(F) REBATE PERIOD CPI-U.—The term ‘rebate period CPI-U’ means, with respect to a calendar quarter described in paragraph (C), the greater of the benchmark period CPI-U and the month-to-month change in the consumer price index for all urban consumers (United States city average) for the first month of the calendar quarter that is two calendar quarters prior to such described calendar quarter.

(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

(1) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug described in paragraph (1)(B) of section 1847A(h), 106 percent of the amount determined under paragraph (4) of such section for such drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.

(2) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, the amount specified in paragraph (3) for such drug for such calendar quarter shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.

(B) TOTAL NUMBER OF BILLING UNITS.—For purposes of subparagraphs (A)(i), the total number of billing units with respect to such part B rebatable drug is determined as follows:

(i) Determine the total number of units equal to—

(1) the total number of units, as reported by such drug under subsection (c)(1)(B) for each National Drug Code of such drug during such calendar year that is a calendar quarter prior to the calendar quarter described as in subparagraph (A), as a result of an agreement or a contract with a State or any entity; and

(ii) the total number of units with respect to each National Drug Code of such drug for which payment was made under a State plan under title XIX (or waiver of such plan), as specified in paragraph (2) in subsection (i), by adding at the end the following new paragraph:

(3) in subsection (a)(1)—

(A) in paragraph (4), by striking at the end and inserting—

and

(B) in paragraph (5), by striking at the end the period and inserting a semicolon; and

(C) by striking ‘and’ and inserting ‘and DD);’; and

(D) by inserting before the semicolon at the end the following new clause—

and

(E) REBATE DEFINITION.—The term ‘rebate under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

(3)(E) as if the reference to ‘the last month of the calendar quarter immediately prior to the calendar quarter beginning October 1, 2021’ were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed or July 1, 2023, under the revised payment system under this subsection, in lieu of the provisions of section 1847A(b)(1) for such drug for such calendar quarter.

(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

(1) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug described in paragraph (1)(B) of section 1847A(h), 106 percent of the amount determined under paragraph (4) of such section for such drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.

(2) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, the amount specified in paragraph (3) for such drug for such calendar quarter shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.

(5) APPLICATION TO BENEFICIARY COINSURANCE.—In the case of a part B rebatable drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, the amount specified in paragraph (3) for such drug for such calendar quarter shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.

(6) the determination of units under subsection (h);

(7) the calculation of the rebate amount under subsection (h); and

(8) the calculation of therebate amount under subsection (h); and

(9) the computation of coinsurance under subsection (h); and

(2) in subsection (i), by adding at the end the following new paragraph:

(C) by striking ‘and’ and inserting ‘and DD);’; and

(D) by inserting before the semicolon at the end the following new clause—

and

(E) REBATE DEFINITION.—The term ‘rebate under paragraph (1)(B) shall be deposited into the Federal Supplementary Medical Insurance Trust Fund established under section 1841.

(3)(E) as if the reference to ‘the last month of the calendar quarter immediately prior to the calendar quarter beginning October 1, 2021’ were defined under paragraph (3)(D) as the third full calendar quarter after the day on which the drug was first marketed or July 1, 2023, under the revised payment system under this subsection, in lieu of the provisions of section 1847A(b)(1) for such drug for such calendar quarter.

(4) SPECIAL TREATMENT OF CERTAIN DRUGS AND EXEMPTION.—

(1) SUBSEQUENTLY APPROVED DRUGS.—In the case of a part B rebatable drug described in paragraph (1)(B) of section 1847A(h), 106 percent of the amount determined under paragraph (4) of such section for such drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, as computed under subparagraph (A), shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.

(2) SELECTED DRUGS.—In the case of a part B rebatable drug that is a selected drug (as determined in section 1927(b)(2)(A) for such drug) for such calendar quarter, the amount specified in paragraph (3) for such drug for such calendar quarter shall be applied as a percent, as determined by the Secretary, to the payment amount that would otherwise apply under such section and subsection (h)(5) for such drug for such calendar quarter.
(3) in subsection (t)(8), by adding at the end the following new subparagraph:

"(F) PART D REBATABLE DRUGS.—In the case of a part D rebatable drug (as defined in paragraph (v)), such drug does not have a copayment amount as a result of an application of subparagraph (E) for which payment under this part is not packaged into a covered OPD service (or group of services) furnished on or after July 1, 2023, and the payment for such drug under this subsection is the same as the amount for a calendar quarter under paragraph (3)(A)(ii) of section 1847A(h), the system under this subsection, in lieu of calculating the copayment amount and the amount of payment otherwise with respect to such drug for such calendar quarter under paragraph (3)(A)(ii) of section 1847A(h), shall, as determined appropriate by the Secretary, apply under this subsection in the same manner as such provisions of section 1847A(h)(5) and subsection (a) apply under such section and subsection."

(c) CONFORMING AMENDMENTS.—

(1) TO PART B ASP CALCULATION.—Section 1847A(e)(2)(B) of title 42, United States Code, is amended by inserting "or section 1927(c)(1)(C)(ii)(I)) is amended by inserting "section (h) or" before "section 1927".

(2) EXCLUDING PART B DRUG INFLATION-RELATED PAYMENT AMOUNT.—Section 1847A(c)(1)(B)(vii) of title 42, United States Code, is amended by striking the period at the end of subparagraph (B) in subclause (V), by striking the period at the end of subparagraph (C), and by adding at the end the following new subparagraph:

"(V) rebates paid by manufacturers under section 1927(c)(1) of such dosage form and strength with respect to such part D rebatable drug that is an oral solid dosage form, the Secretary shall establish a formula for determining the rebate amount under paragraph (3) for such dosage form and strength with respect to such part D rebatable drug for the year;"

(3) COORDINATION WITH MEDICARE RETAKE INFORMATION DISCLOSURE.—Section 1927(b)(3)(D)(ii) of the Social Security Act (42 U.S.C. 1396u–5a(3)(D)(ii)) is amended by inserting "and the rebate" after "the payment amount".

(4) EXCLUDING PART B DRUG INFLATION-RELATED PAYMENTS FROM AVERAGE MANUFACTURER PRICE.—Section 1927(b)(3)(D)(iv) of the Social Security Act (42 U.S.C. 1396u–5a(3)(D)(iv)) is amended by adding at the end the following new subsection:

"(V) rebates paid by manufacturers under section 1847A(h); and".

(d) FUNDING.—In addition to amounts otherwise available, there is appropriated to the Centers for Medicare & Medicaid Services $125,000,000 for fiscal years 2022 and 2023, and $75,000,000 for each of fiscal years 2023 through 2031, to carry out the provisions of, including the amendments made by, this section.

SEC. 159102. MEDICARE PART D REBATE BY MANUFACTURERS.

(a) IN GENERAL.—Part D of title XVIII of the Social Security Act is amended by inserting after subsection 1860d–1A4 (42 U.S.C. 1395w–5a(14a)) the following:

"SEC. 1860D–14B. MANUFACTURER REBATE FOR CERTAIN DRUGS WITH PRICES INCREASED MORE THAN INFLATION.

"(a) REQUIREMENTS.—

"(1) SECRETARIAL PROVISION OF INFORMATION.—Not later than 9 months after the end of each fiscal year (as defined in subsection (g)(7)), subject to paragraph (3), the Secretary shall, for each part D rebatable drug, report to each manufacturer of such part D rebatable drug to the Secretary:

"(A) the amount (if any) of the excess annual manufacturer price increase described in subsection (g)(7) for each dosage form and strength with respect to such drug and year;

"(B) the rebate amount specified under subsection (b) for each dosage form and strength with respect to such drug and year;

"(2) MANUFACTURER REQUIREMENTS.—For each applicable year, the manufacturer of a part D rebatable drug, for each dosage form and strength with respect to such drug, not later than 30 days after the date of receipt from the Secretary of the information described in paragraph (1), shall, as determined appropriate by the Secretary, apply such information under this subsection the same manner as such provisions of section 1847A(h)(5) and subsection (a) apply under such section and subsection."

(b) IN GENERAL.—

"(1) CALCULATION.—For purposes of this section, the amount specified in this subsection for a dosage form and strength with respect to a part D rebatable drug and applicable year is, subject to subparagraph (C), paragraph (5)(B), and paragraph (6), the amount equal to the product of—

"(i) subject to subparagraph (B) of this paragraph, the total number of units that are used to calculate the average manufacturer price of such dosage form and strength with respect to such part D rebatable drug, as determined under paragraph (3) for such dosage form and strength for the year;"
or, if data is not available, as estimated by the Secretary, is less than, subject to subparagraph (A)—

(4) BENCHMARK PERIOD CPI-U.—The term ‘benchmark period CPI-U’ means the consumer price index for all urban consumers (United States city average) for January of such year.

(5) APPLICABLE YEAR.—The term ‘applicable year’ means a calendar year beginning with 2022.

(6) IMPLEMENTATION FOR 2023 AND 2024.—Notwithstanding any other provision of this section, the amount determined under this section for 2023 and 2024 by program instruction or otherwise..

(b) CONFORMING AMENDMENTS.—

(1) TO PART D INFLATION REFERENCE.—Section 1847A(c)(3)(C) of the Social Security Act (42 U.S.C. 1396r–8(c)(3)(C)), as amended by section 139101(c)(3), is further amended by striking ‘‘subsection (h), section 1927, or section 1860D–28’’ and inserting ‘‘subsection (h), section 1927(b)(3), section 1860D–28, or to carry out section 1847B or section 1860D–28’’.

(2) EXCLUDING PART D DRUG INFLATION REFERENCE.—Section 1847A(c)(4)(A) of the Social Security Act (42 U.S.C. 1396r–8(c)(4)(A)), as amended by section 139101(c)(4), is further amended by striking ‘‘subsection (h), section 1927, or section 1600D–14B’’ and inserting ‘‘subsection (h), section 1927, or section 1600D–14B’’.

(3) COORDINATION WITH MEDICAID REIMBURSEMENT.—Section 1847A(d)(3) of the Social Security Act (42 U.S.C. 1396r–8(c)(3)), is further amended by striking ‘‘subsection (H), section 1927, or section 1600D–14B’’ and inserting ‘‘subsection (H), section 1927, or section 1600D–14B’’.

(4) EXCLUDING PART D DRUG INFLATION REFERENCE.—Section 1847A(d)(4)(B) of the Social Security Act (42 U.S.C. 1396r–8(c)(4)(B)), as amended by section 139101(c)(4), is further amended by striking ‘‘subsection (H), section 1927, or section 1600D–14B’’ and inserting ‘‘subsection (H), section 1927, or section 1600D–14B’’.

(c) FUNDING.—Addition to amounts otherwise available, there are appropriated to the Centers for Medicare & Medicaid Services, out of any money in the Treasury not otherwise appropriated, $2,600,000 for fiscal year 2022 and $7,500,000 for each of fiscal years 2023 through 2031, to remain available until expended, to carry out the provisions of, including the amendments made by—

PART 3—PART D IMPROVEMENTS AND MAXIMUM OUT-OF-POCKET CAP FOR MEDICARE BENEFICIARIES

SEC. 139201. MEDICARE PART D BENEFIT REDESIGN

(a) BENEFIT STRUCTURE REDESIGN.—Section 1860D–2(b) of the Social Security Act (42 U.S.C. 1396u–102(b)) is amended—

(1) in paragraph (A), by inserting ‘‘in the matter preceding clause (i), by inserting ‘‘for a year preceding 2024 and for costs above the annual deductible specified in paragraph (1) and up to the annual out-of-pocket threshold specified in paragraph (4)(B) for 2024 and each subsequent year’’ after ‘‘paragraph (3)’’;

(b) in subparagraph (C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ‘‘for a year preceding 2024’’ after ‘‘paragraph (4)’’;

(ii) in clause (ii)(II), by striking ‘‘and each subsequent year’’ and inserting ‘‘through 2023’’;

(c) in subparagraph (D)—

(i) in clause (i)—

(I) in the matter preceding subclause (I), by inserting ‘‘for a year preceding 2024’’, after ‘‘paragraph (4)’’;

(II) in subclause (I)(b), by striking ‘‘a year after 2018’’ and inserting ‘‘each of years 2019 through 2023’’;

(ii) in clause (ii)(V), by striking ‘‘2019 and each subsequent year’’ and inserting ‘‘each of years 2019 through 2023’’;

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as (aa) and (bb), respectively, and moving the provisions of each such redesignated item 2 ems to the right;

(II) in the matter preceding subclause (aa), by redesignating by subclause (I), by striking ‘‘is equal to the greater of’’ and inserting ‘‘is equal to—’’;

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ‘‘; and’’; and

(IV) by adding at the end the following:

‘‘(II) for each succeeding year, $0.’’;

(ii) in clause (ii), by striking ‘‘clause (ii)(I)’’ and inserting ‘‘clause (ii)(I)(aa)’’;

(iii) by adding at the end the following new sentence: ‘‘The Secretary shall continue to calculate the dollar amounts as specified in clause (ii)(I)(aa), with the adjustment under this clause, after 2024 for purposes of section 1860D–14a(1)(D)(ii)(b)’’;

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ‘‘or’’ at the end;

(II) in subclause (VI)—

(aa) by striking ‘‘for a subsequent year’’ and inserting ‘‘for each of years 2023 through 2024’’;

(bb) by striking the period at the end and inserting a semicolon;

and

(III) by adding at the end the following new subclauses:

‘‘(VII) for 2024, is equal to $2,600; or

(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.’’;

and

(ii) in clause (ii), by striking ‘‘clause (ii)(III)’’ and inserting ‘‘clause (ii)(III)(a)’’;

(c) in subparagraph (C), by striking ‘‘and for amounts’’ and inserting ‘‘and, for a year preceding 2024, for amounts’’; and

(d) by adding at the end the following:

‘‘(A) the term ‘average manufacturer price’ has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a rebater under section 1927.;’’.

(2) E XCLUDING PART D DRUG INFLATION REFERENCE.—Section 1847A(c)(3) of the Social Security Act (42 U.S.C. 1396r–8(c)(3)), as amended by section 139101(c)(3), is further amended by striking ‘‘subsection (h), section 1927, or section 1600D–14B’’ and inserting ‘‘subsection (h), section 1927, or section 1600D–14B’’.

(3) in paragraph (4)—

(A) in subparagraph (A)—

(i) in clause (i)—

(I) by redesignating subclauses (I) and (II) as (aa) and (bb), respectively, and moving the provisions of each such redesignated item 2 ems to the right;

(II) in the matter preceding subclause (aa), by redesignating by subclause (I), by striking ‘‘is equal to the greater of’’ and inserting ‘‘is equal to—’’;

(III) by striking the period at the end of item (bb), as redesignated by subclause (I), and inserting ‘‘; and’’; and

(IV) by adding at the end the following:

‘‘(II) for each succeeding year, $0.’’;

(ii) in clause (ii), by striking ‘‘clause (ii)(I)’’ and inserting ‘‘clause (ii)(I)(aa)’’;

(iii) by adding at the end the following new sentence: ‘‘The Secretary shall continue to calculate the dollar amounts as specified in clause (ii)(I)(aa), with the adjustment under this clause, after 2024 for purposes of section 1860D–14a(1)(D)(ii)(b)’’;

(B) in subparagraph (B)—

(i) in clause (i)—

(I) in subclause (V), by striking ‘‘or’’ at the end;

(II) in subclause (VI)—

(aa) by striking ‘‘for a subsequent year’’ and inserting ‘‘for each of years 2023 through 2024’’;

(bb) by striking the period at the end and inserting a semicolon;

and

(III) by adding at the end the following new subclauses:

‘‘(VII) for 2024, is equal to $2,600; or

(VIII) for a subsequent year, is equal to the amount specified in this subparagraph for the previous year, increased by the annual percentage increase described in paragraph (6) for the year involved.’’;

and

(ii) in clause (ii), by striking ‘‘clause (ii)(III)’’ and inserting ‘‘clause (ii)(III)(a)’’;

(c) in subparagraph (C), by striking ‘‘and for amounts’’ and inserting ‘‘and, for a year preceding 2024, for amounts’’; and

(d) by adding at the end the following:

‘‘(A) the term ‘average manufacturer price’ has the meaning, with respect to a part D rebatable drug of a manufacturer, given such term in section 1927(k)(1), with respect to a covered outpatient drug of a rebater under section 1927.;’’.
(A) by striking "equal to 80 percent" and inserting "equal to—"
(1) "(A) for a year preceding 2024, 80 percent";
(2) in subparagraph (A), as added by sub-
paragraph (B) requiring the period at the end and inserting "; and"; and
(C) by adding at the end the following new subparagraph:
"(B) for the year 2024 and each subsequent year, the sum of—"
(i) an amount equal to 20 percent of such al-
lovable reinsurance costs attributable to that portion of gross prescription drug costs as spec-
ified in paragraph (3) incurred in the coverage year after such individual has incurred costs that
equalize the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B) with respect to
applicable drugs (as defined in section 1860D–
14C(g)(2)); and
(ii) an amount equal to 40 percent of such al-
lovable reinsurance costs attributable to that portion of gross prescription drug costs as spec-
ified in paragraph (3) incurred in the coverage year after such individual has incurred costs that
shall be effective, with respect to a plan year—

(i) if the program begins January 31 of a plan year, as of the day after the end of the plan year; and

(ii) if the termination occurs on or after Jan-
uary 31 of a plan year, as of the day after the end of the succeeding plan year.

(b) TERMINATION.—(I) by the secretary.—the secretary shall provide for termination of an agreement under this section for a knowing and willful violation of any requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of
notice to the manufacturer of such termination.

(II) If the program begins January 31 of a plan year, the secretary shall provide, upon request, a manufacturer with a hearing concerning such a
termination, and such hearing shall take place prior to the effective date of the termination unless the hearing time is otherwise specified. If
the hearing is not held then the time limit for the hearing may be extended.

(III) EFFECTIVENESS OF TERMINATION.—Any termination under this subsection shall not affect discounts for applicable drugs of the man-
ufacturer that are due under the agreement before the effective date of its termination.

(c) NOTICE TO THIRD PARTY.—the secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the ef-
fective date of such termination.

(II) by a manufacturer.—A manufacturer may terminate an agreement under this section for any reason. Such any termination shall be

effects, with respect to a plan year—

(i) if the program begins January 31 of a plan year, as of the day after the end of the plan year; and

(ii) if the termination occurs on or after Jan-
uary 31 of a plan year, as of the day after the end of the succeeding plan year.

(b) TERMINATION.—(I) by the secretary.—the secretary shall provide for termination of an agreement under this section for a knowing and willful violation of any requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of
notice to the manufacturer of such termination.

(II) If the program begins January 31 of a plan year, the secretary shall provide, upon request, a manufacturer with a hearing concerning such a
termination, and such hearing shall take place prior to the effective date of the termination unless the hearing time is otherwise specified. If
the hearing is not held then the time limit for the hearing may be extended.

(III) EFFECTIVENESS OF TERMINATION.—Any termination under this subsection shall not affect discounts for applicable drugs of the man-
ufacturer that are due under the agreement before the effective date of its termination.

(c) NOTICE TO THIRD PARTY.—the secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the ef-
fective date of such termination.

(II) by a manufacturer.—A manufacturer may terminate an agreement under this section for any reason. Such any termination shall be effective

effects, with respect to a plan year—

(i) if the program begins January 31 of a plan year, as of the day after the end of the plan year; and

(ii) if the termination occurs on or after Jan-
uary 31 of a plan year, as of the day after the end of the succeeding plan year.

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notice to the manufacturer of such termination.

(II) If the program begins January 31 of a plan year, the secretary shall provide, upon request, a manufacturer with a hearing concerning such a
termination, and such hearing shall take place prior to the effective date of the termination unless the hearing time is otherwise specified. If
the hearing is not held then the time limit for the hearing may be extended.

(III) EFFECTIVENESS OF TERMINATION.—Any termination under this subsection shall not affect discounts for applicable drugs of the man-
ufacturer that are due under the agreement before the effective date of its termination.

(c) NOTICE TO THIRD PARTY.—the secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the ef-
fective date of such termination.

(II) by a manufacturer.—A manufacturer may terminate an agreement under this section for any reason. Such any termination shall be effective

effects, with respect to a plan year—

(i) if the program begins January 31 of a plan year, as of the day after the end of the plan year; and

(ii) if the termination occurs on or after Jan-
uary 31 of a plan year, as of the day after the end of the succeeding plan year.

(b) TERMINATION.—(I) by the secretary.—the secretary shall provide for termination of an agreement under this section for a knowing and willful violation of any requirements of the agreement or other good cause shown. Such termination shall not be effective earlier than 30 days after the date of
notice to the manufacturer of such termination.

(II) If the program begins January 31 of a plan year, the secretary shall provide, upon request, a manufacturer with a hearing concerning such a
termination, and such hearing shall take place prior to the effective date of the termination unless the hearing time is otherwise specified. If
the hearing is not held then the time limit for the hearing may be extended.

(III) EFFECTIVENESS OF TERMINATION.—Any termination under this subsection shall not affect discounts for applicable drugs of the man-
ufacturer that are due under the agreement before the effective date of its termination.

(c) NOTICE TO THIRD PARTY.—the secretary shall provide notice of such termination to a third party with a contract under subsection (d)(3) within not less than 30 days before the ef-
fective date of such termination.
not receive or distribute any funds of a manufacturer under the program.

(3) CONTRACT WITH THIRD PARTIES.—The Secretary shall enter into a contract with 1 or more health plans to administer the requirements established by the Secretary in order to carry out this section. At a minimum, the contract with a third party under the preceding sentence shall require that third party to

(A) receive and transmit information between the Secretary, manufacturers, and other individuals or entities the Secretary determines appropriate;

(B) receive, distribute, or facilitate the distribution of funds of manufacturers to appropriate individuals or entities in order to meet the obligations of manufacturers under agreements under this section;

(C) provide adequate and timely information to manufacturers in accordance with the agreement with the manufacturer under this section, as necessary for the manufacturer to fulfill its obligations under this section; and

(D) permit manufacturers to conduct periodic audits, directly or through contracts, of the data and information used by the third party to determine discounts for applicable drugs of the manufacturer under the program.

(4) PERFORMANCE REQUIREMENTS.—The Secretary shall establish performance requirements for a third party with a contract under paragraph (3) that are designed to protect the independence and integrity of the activities carried out by the third party under the program under this section.

(5) IMPLEMENTATION.—The Secretary shall implement the program under this section for 2024 and 2025 by program instruction or otherwise.

(a) ENFORCEMENT.—

(A) AUDITS.—Each manufacturer with an agreement in effect under this section shall be subject to periodic audit by the Secretary.

(B) CIVIL MONETARY PENalties.—

(1) IN GENERAL.—A manufacturer that fails to provide discounted prices for applicable drugs of the manufacturer dispensed to applicable beneficiaries in accordance with such agreement shall be subject to a civil monetary penalty for each such failure in an amount the Secretary determines is equal to the sum of—

(i) the amount that the manufacturer would have paid with respect to such discounts under the agreement, which will then be used to pay the amount owed by the manufacturer that had failed to provide; and

(ii) 25 percent of such amount.

(B) APPLICATION.—The provisions of section 1128A(a)(1) and (3) shall apply to a civil monetary penalty under this paragraph in the same manner as such provisions apply to a penalty or proceeding under section 1128A(a)(1).

(f) CLARIFICATION REGARDING AVAILABILITY OF OTHER COVERED PART D DRUGS.—Nothing in this section shall prevent an applicable beneficiary from using a covered part D drug that is not an applicable drug (including a generic drug or a drug that is not on the formulary of the prescription drug plan or MA–PD plan) that the applicable beneficiary is enrolled in.

(g) DEFINITIONS.—In this section—

(1) APPLICABLE BENEFICIARY.—The term ‘applicable beneficiary’ means an individual who, on the date of dispensing a covered part D drug—

(A) is enrolled in a prescription drug plan or an MA–PD plan;

(B) is not enrolled in a qualified retiree prescription drug plan; and

(C) is not covered under a covered part D drug that is not an applicable drug, as determined in accordance with section 1860D–2(b)(4)(C) as if clause (iii) of such section included a reference to costs reimbursed through insurance, a group health plan, or other third-party payment arrangements, for covered part D drugs in the year that exceed—

(i) in the case of an individual not described in clause (ii) or (iii), the annual deductible for such year, as specified in section 1860D–2(b)(1);

(ii) in the case of a subsidy eligible individual described in section 1860D–14(a)(1), the annual deductible for such year, as specified in subparagraph (B) of such section; and

(iii) in the case of a subsidy eligible individual described in section 1860D–14(a)(2), the annual deductible for such year, as specified in subparagraph (B) of such section.

(2) APPLICABLE DRUG.—The term ‘applicable drug’ with respect to an applicable beneficiary—

(A) means a covered part D drug—

(i) approved under a new drug application under section 505(c) of the Federal Food, Drug, and Cosmetic Act or, in the case of a biologic product, licensed under section 351 of the Public Health Service Act;

(ii) included in the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

(iii) in the case of a prescription drug plan or MA–PD plan that is not a MA–PD plan, included in the formulary of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

(iv) the prescription drug plan or MA–PD plan uses a formulary, which is on the formula of the prescription drug plan or MA–PD plan that the applicable beneficiary is enrolled in;

(B) does not include a selected drug (as referred to in section 1126(c) during a price applicability period as defined in section 1110(h)(2)) with respect to such drug.

(3) APPLICABLE NUMBER OF CALENDAR DAYS.—The term ‘applicable number of calendar days’ means—

(A) with respect to claims for reimbursement submitted object initially, 14 days; and

(B) with respect to claims for reimbursement submitted otherwise, 30 days.

(4) DISCOUNTED PRICE.—

(A) IN GENERAL.—The term ‘discounted price’ means, subject to subparagraphs (B) and (C), with respect to an applicable drug of a manufacturer dispensed during a year to an applicable beneficiary—

(i) who has not incurred costs, as determined in accordance with section 1860D–2(b)(4)(C), for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1860D–2(b)(4)(B)(1) for the year,

(ii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 90 percent of the negotiated price of such drug; and

(iii) who has incurred such costs, as so determined, in the year that are equal to or exceed such threshold for the year, 90 percent of the negotiated price of such drug.

(B) PHASE-IN FOR CERTAIN DRUGS DISPENSED TO LIS BENEFICIARIES.—

(1) IN GENERAL.—In the case of an applicable drug from a specified manufacturer (as defined in clause (ii) of this subparagraph) that is marketed as of the date of enactment of this paragraph and dispensed for an applicable beneficiary who is a subsidy eligible individual described in clause (ii) of this subparagraph, the term ‘discounted price’ means the specified LIS percent (as defined in clause (iii) of the negotiated price of the applicable drug for the manufacturer.

(2) SPECIFIED MANUFACTURER.—

(I) IN GENERAL.—In this subparagraph, subject to subsection (II), the term ‘specified manufacturer’ means a manufacturer of an applicable drug for which, in 2021—

(aa) the manufacturer had a coverage gap discount agreement under section 1860D–14A;

(bb) the manufacturer provided for all of the specified drugs of the manufacturer covered by such agreement or agreements for such year and covered under this part during such year, at least 10 percent of the total expenditures under such part for all covered Part D drugs during such year; and

(cc) the total expenditures for all of the specified drugs of the manufacturer that are singlesource drugs and biological products covered under part B during such year represented less than 1.0 percent of the total expenditures for all covered part D drugs in the year that the manufacturer.

(II) SPECIFIED SMALL MANUFACTURER.—

(I) IN GENERAL.—In the case of an applicable drug from a specified small manufacturer (as defined in subsection (II)), the term ‘specified small manufacturer’ means a manufacturer of an applicable drug for which, in 2021—

(aa) the manufacturer is a specified small manufacturer;

(bb) the total expenditures under part D for all drugs or biological products of the manufacturer that are covered by the agreement or agreements under section

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1800D–14A of such manufacturer for such year and covered under this part during such year are equal to or more than 80 percent of the total expenditures under this part for all specified small manufacturers of the applicable drug that are covered by such agreement or agreement for such year and covered under this part during such year.

(II) SPECIFIED SMALL MANUFACTURER DRUGS.—

(aa) IN GENERAL.—For purposes of this clause, a specified small manufacturer drug means, with respect to a specified small manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or packaged by the manufacturer.

(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall represent an agreement a specified small manufacturer and not an agreement a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph.

(III) LIMITATION.—The term ‘specified small manufacturer drug’ includes any drug described in subsection (I) if such drug is acquired after 2021 by another manufacturer that is not a specified small manufacturer, effective as of the plan year immediately following such acquisition or, in the case of an acquisition before 2024, effective January 1, 2024.

(III) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term ‘specified small manufacturer percent’ means, with respect to a year—

(1) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1800D–2(b)(4)(B)(i) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(B)(i) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028 and each subsequent year, 90 percent; and

(2) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, in accordance with section 1800D–2(b)(4)(C) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(C) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028, 90 percent; and

(ff) for 2029, 85 percent; and

(gg) for 2030 and each subsequent year, 80 percent.

(IV) TOTAL EXPENDITURES.—For purposes of this paragraph, the term ‘total expenditures’ includes, in the case of expenditures with respect to part D ingredients, costs, dispensing fees, sales tax, and excise tax. The term ‘total expenditures’ excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

(V) SPECIAL CASE FOR CERTAIN CLAIMS.—

(I) IN GENERAL.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1800D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the drug that falls above such annual deductible.

(II) CLAIMS SPANNING DEDUCTIBLE.—In the case where the entire amount of the negotiated price of an individual claim for an applicable drug with respect to an applicable beneficiary does not fall above the annual deductible specified in section 1800D–2(b)(1) for the year, the manufacturer of the applicable drug shall provide the discounted price under this section on only the portion of the drug that falls above such annual deductible.

(III) LIMITATION.—The term ‘specified small manufacturer drug’ means, with respect to a specified small manufacturer, for 2021, an applicable drug that is produced, prepared, propagated, compounded, converted, or packaged by the manufacturer.

(bb) AGGREGATION RULE.—All persons treated as a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph. For purposes of making a determination pursuant to the previous sentence, an agreement under this section shall represent an agreement a specified small manufacturer and not an agreement a single employer under subsection (a) or (b) of section 52 of the Internal Revenue Code of 1986 shall be treated as one manufacturer for purposes of this subparagraph.

(III) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term ‘specified small manufacturer percent’ means, with respect to a year—

(1) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1800D–2(b)(4)(B)(i) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(B)(i) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028 and each subsequent year, 90 percent; and

(2) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, in accordance with section 1800D–2(b)(4)(C) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(C) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028, 90 percent; and

(ff) for 2029, 85 percent; and

(gg) for 2030 and each subsequent year, 80 percent.

(VI) TOTAL EXPENDITURES.—For purposes of this paragraph, the term ‘total expenditures’ includes, in the case of expenditures with respect to part D ingredients, costs, dispensing fees, sales tax, and excise tax. The term ‘total expenditures’ excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

(IX) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term ‘specified small manufacturer percent’ means, with respect to a year—

(1) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1800D–2(b)(4)(B)(i) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(B)(i) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028 and each subsequent year, 90 percent; and

(2) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, in accordance with section 1800D–2(b)(4)(C) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(C) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028, 90 percent; and

(ff) for 2029, 85 percent; and

(gg) for 2030 and each subsequent year, 80 percent.

(X) TOTAL EXPENDITURES.—For purposes of this paragraph, the term ‘total expenditures’ includes, in the case of expenditures with respect to part D ingredients, costs, dispensing fees, sales tax, and excise tax. The term ‘total expenditures’ excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.

(XXI) SPECIFIED SMALL MANUFACTURER PERCENT.—In this subparagraph, the term ‘specified small manufacturer percent’ means, with respect to a year—

(1) for an applicable drug dispensed for an applicable beneficiary who has not incurred costs, as determined in accordance with section 1800D–2(b)(4)(B)(i) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(B)(i) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028 and each subsequent year, 90 percent; and

(2) for an applicable drug dispensed for an applicable beneficiary who has incurred costs, in accordance with section 1800D–2(b)(4)(C) for covered part D drugs in the year that are equal to or exceed the annual out-of-pocket threshold specified in section 1800D–2(b)(4)(C) for the year—

(aa) for 2024, 99 percent;

(bb) for 2025, 98 percent;

(cc) for 2026, 95 percent;

(dd) for 2027, 92 percent; and

(ee) for 2028, 90 percent; and

(ff) for 2029, 85 percent; and

(gg) for 2030 and each subsequent year, 80 percent.

(XZ) TOTAL EXPENDITURES.—For purposes of this paragraph, the term ‘total expenditures’ includes, in the case of expenditures with respect to part D ingredients, costs, dispensing fees, sales tax, and excise tax. The term ‘total expenditures’ excludes, in the case of expenditures with respect to part B, expenditures for a drug or biological that are bundled or packaged into the payment for another service.
“(4) Maximum Monthly Cap Defined.—In this subparagraph, the term ‘maximum monthly cap’ means, with respect to an enrollee who has made an election pursuant to clause (i), an amount determined by calculating the amount of out-of-pocket costs incurred by the enrollee; divided by if such costs are paid by a PDP sponsor or an MA organization under the option provided under such paragraph.

(5) Time of Election.—An enrollee in a prescription drug plan or an MA–PD plan may make such an election—

(aa) prior to the beginning of the plan year;

(bb) in any month during the plan year.

(bb) in any month during the plan year.

(III) PDP Sponsor and MA Organization Responsibilities.—Each PDP sponsor offering a prescription drug plan or MA organization offering an MA–PD plan—

(aa) may not limit the option for an enrollee to make such an election to certain covered part D drugs;

(bb) shall, prior to the plan year, notify prospective enrollees of the option to make such an election in promotional materials;

(cc) shall include information on such option in enrollee educational materials;

(dd) shall have in place a mechanism to notify a pharmacy during the plan year when an enrollee incurs out-of-pocket costs with respect to covered part D drugs that make it likely the enrollee may benefit from making such an election;

(ee) shall provide that a pharmacy, after receiving a notification described in item (dd) with respect to an enrollee, informs the enrollee of such notification;

(ff) shall ensure that such an election by an enrollee has no effect on the amount paid to pharmacies (or the timing of such payments) with respect to covered part D drugs dispensed to the enrollee; and

(gg) shall have in place a financial reconciliation process to correct inaccuracies in payments made by an enrollee under this subparagraph with respect to covered part D drugs dispensed to the enrollee.

(IV) Failure to Pay Amount Billed.—If an enrollee fails to pay the amount billed for a month under this subparagraph, the election of the enrollee pursuant to clause (i) shall be terminated and the enrollee shall pay the cost sharing otherwise applicable for any covered part D drugs subsequently dispensed to the enrollee up to the annual out-of-pocket threshold specified in paragraph (4)(B).

(V) Clarification of Amounts Due.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for amounts owed under this subparagraph for services provided on or after January 1, 2026, the Secretary of Health and Human Services shall ensure that such amounts are not billable for any such services outside of those assumed as losses estimated in plan bids.

(2) Implementation.—

(A) For 2024 and 2025.—For plan years beginning on or after January 1, 2025, each PDP sponsor and MA organization offering an MA–PD plan shall provide to each enrollee in such plan the enrollee’s maximum monthly cap and the enrollee’s maximum monthly cap for each month during the plan year.

(B) For 2026 and each subsequent year.—For plan years beginning on or after January 1, 2026, each PDP sponsor and MA organization offering an MA–PD plan shall provide to each enrollee in such plan the enrollee’s maximum monthly cap and the enrollee’s maximum monthly cap for each month during the plan year.

(3) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.

(IV) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.

(V) Inclusion of Costs Paid Under Maximum Monthly Cap Option.—In applying subparagraph (A) with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the option provided under such subparagraph.

(VI) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.

(3) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.

(4) Clarification of Amounts Due.—Nothing in this subparagraph shall be construed as prohibiting a PDP sponsor or an MA organization from billing an enrollee for amounts owed under this subparagraph for services provided on or after January 1, 2026, the Secretary of Health and Human Services shall ensure that such amounts are not billable for any such services outside of those assumed as losses estimated in plan bids.

(2) Implementation.—

(A) For 2024 and 2025.—For plan years beginning on or after January 1, 2025, each PDP sponsor and MA organization offering an MA–PD plan shall provide to each enrollee in such plan the enrollee’s maximum monthly cap and the enrollee’s maximum monthly cap for each month during the plan year.

(B) For 2026 and each subsequent year.—For plan years beginning on or after January 1, 2026, each PDP sponsor and MA organization offering an MA–PD plan shall provide to each enrollee in such plan the enrollee’s maximum monthly cap and the enrollee’s maximum monthly cap for each month during the plan year.

(3) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.

(IV) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.

(V) Inclusion of Costs Paid Under Maximum Monthly Cap Option.—In applying subparagraph (A) with respect to an enrollee who has made an election pursuant to clause (i) of paragraph (2)(E), costs shall be treated as incurred if such costs are paid by a PDP sponsor or an MA organization under the option provided under such subparagraph.

(VI) Treatment of Unsettled Balances.—Any unsettled balances with respect to amounts owed under this subparagraph shall be treated as amounts owed under this subparagraph.
(D) in paragraph (4)(A)(i), by striking “The coverage” and inserting “Subject to paragraph (8), the coverage”; and

(E) by adding at the end the following new paragraph:

“(8) TREATMENT OF COST-SHARING FOR CERTAIN INSULIN PRODUCTS.—

(A) IN GENERAL.—For plan years beginning on or after January 1, 2023, the following shall apply with respect to insulin products (as defined in subparagraph (B)):

(i) RULE OF CONSTRUCTION.—The deductible under paragraph (1) shall not apply with respect to such insulin products.

(ii) APPLICATION OF COST-SHARING.—

(I) For plan year 2022, the coverage provides benefits for such insulin products, regardless of whether an individual has reached the initial coverage limit under paragraph (3) or the out-of-pocket threshold under paragraph (4), with cost-sharing that is equal to the applicable copayment amount.

(II) PLAN YEAR 2023 AND SUBSEQUENT PLAN YEARS.—For plan year 2023 and subsequent plan years, the coverage provides benefits for such insulin products, prior to an individual reaching the out-of-pocket threshold under paragraph (4), with cost-sharing that is equal to the applicable copayment amount.

(iii) APPLICABLE COPAYMENT AMOUNT.—For purposes of this clause, the term ‘applicable copayment amount’ means, with respect to an insulin product (as defined in section 1860D–14(a) of the Social Security Act (42 U.S.C. 1395w–114(a))) furnished to the individual, the lesser of the following:

(A) The amount determined under paragraph (4)(A)(i), by striking “(8)(B)” and inserting “(8)” and “(9)”; and

(B) the out-of-pocket threshold under paragraph (4).

(B) INSULIN PRODUCT.—For purposes of this paragraph, the term ‘insulin product’ means an insulin product that is approved under section 351 of the Public Health Service Act and marketed pursuant to such section.''; and

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed as limiting coverage under part D title XVIII of the Social Security Act for vaccines that are not recommended by the Advisory Committee on Immunization Practices.

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(3) by striking “UNAVAILABLE.—In the case” and inserting “UNAVAILABLE.—”;

(A) in GENERAL.—Subject to subparagraph (B), in the case”; and

(4) by adding at the end the following new paragraph:

“(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case of a biosimilar biological product furnished on or after January 1, 2024, during the initial period described in subparagraph (A) with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product;

(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.”.

SEC. 139403. PAYMENT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.

Section 1847A(c)(4) of the Social Security Act (42 U.S.C. 1395s–3a(c)(4)) is amended—

(1) in each of subparagraphs (A) and (B), by redesignating clauses (I) and (II), respectively, and moving such clauses 2 ems to the right;

(2) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving such clauses 2 ems to the right;

(3) by striking ‘‘UNAVAILABLE.—In the case’’ and inserting ‘‘UNAVAILABLE.—’’;

(A) in GENERAL.—Subject to subparagraph (B), in the case”; and

(4) by adding at the end the following new paragraph:

“(B) LIMITATION ON PAYMENT AMOUNT FOR BIOSIMILAR BIOLOGICAL PRODUCTS DURING INITIAL PERIOD.—In the case a biosimilar biological product furnished on or after July 1, 2022, during the initial period described in subparagraph (A) with respect to the biosimilar biological product, the amount payable under this section for the biosimilar biological product is the lesser of the following:

(i) The amount determined under clause (ii) of such subparagraph for the biosimilar biological product;

(ii) The amount determined under subsection (b)(1)(B) for the reference biological product.”.

SEC. 139404. TEMPORARY INCREASE IN MEDICARE PART B PAYMENT FOR CERTAIN BIOLOGICAL SIMILAR HUMAN GROWTH HORMONE.

Section 1847A(b)(6) of the Social Security Act (42 U.S.C. 1395s–3a(b)(6)) is amended—

(1) by redesignating subparagraphs (A) and (B) as clauses (i) and (ii), respectively, and moving the margin of each such redesignated clause 2 ems to the right;

(2) by striking ‘‘PRODUCT.—The amount’’ and inserting the following: ‘‘PRODUCT—’’;

(A) in GENERAL.—Subject to subparagraph (B), the amount”; and

(3) by adding at the end the following new paragraph:

“(B) TEMPORARY PAYMENT INCREASE.—

(i) in GENERAL.—In the case of a qualifying biosimilar biological product that is furnished during the applicable 5-year period for such product, the amount specified in this paragraph for such product with respect to such period is the sum determined under subparagraph (A), except that clause (ii) of such subparagraph shall be applied by substituting ‘‘8 percent’’ for ‘‘6 percent’’.

(ii) APPLICABLE 5-YEAR PERIOD.—For purposes of clause (i), the applicable 5-year period for a qualifying biosimilar biological product is—

(D) in the case of such a product for which payment was made under this paragraph as of March 31, 2022, the 5-year period beginning on April 1, 2022; and
“(1) in the case of such a product for which payment is first made under this paragraph during a calendar quarter during the period beginning April 1, 2022, and ending March 31, 2027, the average sales price shall be determined in accordance with subparagraph (a)(1)(D), and shall be increased by 1 percentage point with respect to which—

(i) in the case of a product described in clause (ii)(I), the average sales price under paragraph (4)(A) for such quarter during the 5-year period described in such clause is not more than the average sales price under subparagraph (a)(13)(B)(i) for a calendar quarter during which such pay-

(ii) in the case of a product described in clause (ii)(II), the average sales price under paragraph (8)(A)(i) for a calendar quarter during which such pay-

SEC. 139405. EXTENDING COVERAGE TO ADULT VACCINES UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) REQUIRING COVERAGE OF ADULT VACCINATIONS.—

(i) IN GENERAL.—Section 1902(a)(10)(A) of the Social Security Act (42 U.S.C. 1396a(a)(10)(A)) is amended in the matter preceding clause (i) by inserting ‘‘(I)(ii)(II), the average sales price under subparagraph (a)(13)(B) for such quarter for the referencing the 5-year period described in such clause is not more than the average sales price under paragraph (4)(A) for such quarter for the applicable biological product; and

(ii) in the case of a product described in clause (ii)(II), the average sales price under paragraph (8)(A)(i) for a calendar quarter during which such pay-

(b) MEDICALLY NEEDED.—Section 1902(a)(10)(C)(iv) of such Act (42 U.S.C. 1396a(a)(10)(C)(iv)) is amended by inserting ‘‘, or’’ after ‘‘(5),’’.

(c) NO COST-SHARING FOR VACCINATIONS.—

(1) IN GENERAL.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396n(b)(3)(B)) is amended—

(II) in the case of a product described in paragraph (1)(C) with respect to which—

(a) QUALIFYING BIOSIMILAR BIOLOGICAL PRODUCT.—For purposes of this subparagraph, the term ‘‘qualifying biosimilar biological product’’ means a biosimilar biological product described in paragraph (1)(C) with respect to which—

(1) DETERMINATION.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396n(b)(3)(B)) is amended by adding at the end the following paragraph:

(2) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on January 1, 2024.

Title J—Supplemental Security Income for the Territories

SECTION 131001. EXTENSION OF THE SUPPLEMENTAL SECURITY INCOME PROGRAM TO PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS, GUAM, AND AMERICAN SAMOA.

(a) IN GENERAL.—Section 303 of the Social Security Amendments of 1972 (Pub. Stat. 1404) is amended by striking the 5th sentence and inserting the following:

(b) CONFORMING AMENDMENTS.—

(1) DEFINITION OF STATE.—Section 1108(a)(1) of such Act (42 U.S.C. 1308(a)(1)) is amended by striking ‘‘or American Samoa’’ and inserting ‘‘or American Samoa’’.

(c) NO COST-SHARING FOR VACCINES.—Section 2103(e)(2) of such Act (42 U.S.C. 1396d(e)(2)) is amended by inserting ‘‘, and (6) during the first 8 fiscal quarters beginning on or after the effective date of this clause, in the case of a State which, as of the date of enactment of the Act title, ‘‘(A) for a calendar quarter during which such pay-

(III) EXEMPTION OF SSI PAYMENTS FROM LIMITATION ON TOTAL PAYMENTS TO THE TERRITORIES.—Section 1108(e)(1) of such Act (42 U.S.C. 1308(e)(1)) is amended by striking ‘‘and (K)’’ and inserting the following:—

(4) UNITED STATES NATIONALS TREATED THE SAME AS CITIZENS.—Section 1614(a)(1)(B) of such Act (42 U.S.C. 12214(a)(1)(B)) is amended by striking ‘‘or national of the United States, after “citizen”’’.

(d) ESSON OF SSI PAYMENTS FROM LIMITATION ON TOTAL PAYMENTS TO THE TERRITORIES.—Section 1108(e)(1) of such Act (42 U.S.C. 1308(e)(1)) is amended by striking ‘‘and (K)’’ and inserting the following:—

(5) UNITED STATES NATIONALS TREATED THE SAME AS CITIZENS.—Section 1614(a)(1)(B) of such Act (42 U.S.C. 12214(a)(1)(B)) is amended by striking ‘‘or national of the United States, after “citizen”’’.

(6) TERRITORIES INCLUDED IN GEOGRAPHIC TITLE XVI.—Section 1108(a)(1) of such Act (42 U.S.C. 1308(a)(1)) is amended by striking ‘‘American Samoa’’ and inserting ‘‘American Samoa’’.

The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks and insert extraneous material into the Record on H.R. 5376.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the bill before us today marks a triumph for our Nation. After months of negotiations within our Caucus and our committees, with our colleagues in the Senate, and with the White House, I am proud to present to the House the most consequential legislation for American families since the New Deal.

The Build Back Better Act makes historic investments over 10 years to overhaul and reimagine entire sectors of our economy and society so that everyone, not just those at the top, will benefit from a growing economy.

This bill delivers the most transformative investment in children and caregiving in generations, the largest effort to combat climate change in American history, the biggest expansion of affordable health coverage in a decade, the most significant effort to bring down costs and strengthen the middle class in generations of investments and key reforms to make our tax system more equitable, and more.

To be clear, if we were only making the largest investment in childcare in the history of the Nation, saving most American families more than half of their spending on childcare, that would be a major victory for the American people.

If we were only guaranteeing universal preschool for 3- and 4-year-olds, the first expansion of basic public education in our country in 100 years, that would be a major victory for the American people.

The SPEAKER pro tempore. The bill, as amended, shall be debatable for 2 hours equally divided between the chair and ranking minority member of the Committee on Education and Labor and the chair and ranking minority member of the Committee on Ways and Means or their respective designees.

The gentleman from Kentucky (Mr. YARMUTH), the gentleman from Missouri (Mr. SMITH), the gentleman from Massachusetts (Mr. NEAL), and the gentleman from Texas (Mr. BRADY) each will control 30 minutes.

The Chair recognizes the gentleman from Kentucky (Mr. YARMUTH).

Mr. YARMUTH. Madam Speaker, I ask unanimous consent that all Members have until 5 p.m. today to introduce and sign up for the record their amendments of this Act for the record, and to have unanimous consent that all Members be given 5 legislative days within which to revise and extend their remarks and insert extraneous material into the Record on H.R. 5376.

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The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

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Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.
If we were only making our Nation’s largest investment ever to combat the climate crisis, that would be a major victory for the American people.

If we were only capping out-of-pocket prescription drug costs under Medicare at $2,000, saving more than a million seniors an average of $1,200 a year, that would be a major victory for the American people.

If we were only expanding the Affordable Care Act so that those who have been locked out of Medicaid can get good, saving billions and then requiring all insurance companies to provide insulin for no more than $33 a month, that would be a major victory for the American people.

If we were only making the single largest and most comprehensive investment in affordable housing in U.S. history, that would be a major victory for the American people.

If we were only providing one of the largest middle-class tax cuts in our Nation’s history, that would be a major victory for the American people.

But in this bill, the Build Back Better Act, we don’t just do one of these. We do all of them. Each of these investments on its own will make an extraordinary impact on the lives of American families. Together, they will be transformative.

Here is the kicker. Because our tax system has been so unjust, so tilted to benefit the well-off and the well-connected, we can pay for all this by simply making our tax code more fair.

It is a hell of a deal. It is why Nobel Prize-winning economists and other experts backed this paid-for and pro-growth agenda, citing how it will make our tax system more equitable, ease longer term inflationary pressures, and help American families build a much stronger future.

That is what governing should be about. It is not a game. We aren’t trying to make a scene. We are elected to make a difference and to make the lives of the people we serve better.

Enacting this legislation will be a momentous achievement for Congress. More importantly, it will change lives. It will save lives. It will deliver on the promise of the American Dream for generations to come.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Missouri. Madam Speaker, you do not get much time as I may consume.

Madam Speaker, this is an absolute disgrace. It is beyond belief how terrible this moment is. It is embarrassing to the people of the United States what is going on.

We have seen three versions of this bill written behind closed doors in Speaker PELOSI’s office. As we stand here this second—as we stand here, Madam Speaker, this second—they are rewriting a fourth version of the bill in Speaker PELOSI’s office.

We will be recessing shortly, sometime during this debate, so the Rules Committee can present a fourth version of a 2,000-page bill. Once again, in this House, Speaker PELOSI is trying to pass a bill before anyone knows what is in it, so then the American people can read it after it has been passed.

Let me tell you, Madam Speaker, I will tell you what is in the version of the bill right now. It is the worst piece of legislation that I have seen in my entire life of public service. It is transformational. It will completely change America as we know it all at the expense of working-class families.

They call it the Build Back Better bill. Let me tell you what those three b’s stand for: bankrupts the economy; benefits the wealthy; and builds the Washington machine.

We are standing here because this is a budget bill. It originated in the Budget Committee. Speaker PELOSI said that a budget is a statement of your values. Well, let’s see the Democratic Party’s values by what is in their bill.

Of this 2,100-page bill, it bankrupts the economy. They will try to tell you that the bill is less than $2 trillion. They will try to tell you that a $4.5 trillion bill costs zero. Well, the American people are not stupid. You don’t spend $4.5 trillion and it costs zero. That is one of their talking points.

Even Senator MANCHIN, a Democrat Senator from West Virginia, says that this bill creates shell games.

We know there are all kinds of budget gimmicks to try to make it look like it only spends $1.5 trillion. In fact, it spends $10 trillion. Even The New York Times agrees that it spends a whole lot more money than what the Democrats are saying.

It is not only the largest spending bill in the history of this United States; it is the largest tax increase in the history of the United States. It increases taxes on working-class families of all income levels, all at a time when we are facing record inflation.

Since Joe Biden has taken office, inflation is over 7 percent. In my home State, inflation is over 8 percent. Madam Speaker, the folks on the other side of the aisle will say that inflation is just a high-class problem. They will say that it is only transitory. But I can tell you, the people of Missouri and the people across this country care about those increasing prices in the supermarket, not the prices in the stock market.

This bill only punishes Main Street while rewarding Wall Street, and you should be ashamed of what is going on in this bill, Madam Speaker. This bill benefits the wealthy beyond belief. The Department of Labor and the IRS now say that they are the party of the working class. Well, in fact, the 10 most wealthy congressional districts in this body are all held by liberal Democrats. In fact, Wall Street spent more than $70 million to defeat Donald Trump and to elect Joe Biden. Why is she writing this bill? They are doing this bill to reward their political friends, their constituents, their allies, their donors.

The second largest program in this bill is a tax cut for millionaires, $250 billion for a tax cut for millionaires. A millionaire family will get $25,900 in a tax break in this bill, but a middle-class family will get $20.

□ 1030

They are just rewarding their friends. But, Madam Speaker, do you know what? Those millionaires also get $12,500 to buy luxury electric cars.

Guess what, Madam Speaker? Those millionaires also get government taxpayer-paid family leave. The list goes on and on about the benefits to the wealthy. This body should be ashamed of what is about to happen.

The third B, it builds the Washington bureaucracy. This bill creates more than 150 new Federal programs.

It is all about control. This bill is about controlling every aspect of Americans’ lives whether it is their paychecks, whether it is their healthcare decisions, or whether it is their kids’ education. I would think that the Democrats, after seeing what happened a few weeks ago in Virginia, New Mexico, and in these other states, would know that the American people are fed up with government control.

In fact, over the weekend, a poll said 60 percent of Americans believe that Joe Biden and the Democrats are expanding government control beyond belief.

If we want to protect working-class families, if we want to protect our freedoms, and if we want to save America, we have to kill this bill.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, it must be easy to be a Republican in Congress these days because you can make things up. You can throw out numbers without fear of being contradicted. But we will have, probably by the end of the day, a CBO score from the Congressional Budget Office which will undercut virtually every argument that the gentleman from Missouri made.

Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. SCOTT), who is the distinguished chairman of the Education and Labor Committee and also a member of the Budget Committee.

Mr. SCOTT of Virginia. Madam Speaker, the Build Back Better Act addresses urgent challenges that workers, families, and businesses face every day. With provisions just within the jurisdiction of the Education and Labor Committee, the bill makes childcare affordable and secures universal pre-school for 3- and 4-year-olds lowering the costs of working families and boosting our economy by helping parents reenter the workforce. It also allows 9 million more children to receive healthy school meals.

It lowers the cost of prescription drugs, and it lowers the cost of higher education. Through investments of
Madam Speaker, I yield 1 minute to the gentleman from California (Mr. McCLINTOCK).

Mr. McCLINTOCK. Madam Speaker, the latest estimate for the Democrats’ build back broke bill is $4.9 trillion. That averages about $40,000 per family over the next decade.

They say it is paid for. Well, by whom?

By you, of course, through direct taxes, tax-driven price increases, and worst of all, inflation.

And what do you get?

Well, amnesty for 7 million illegal aliens. That is the entire population of Alaska, Wyoming, Vermont, Rhode Island, Delaware, North Dakota, South Dakota, and Montana combined.

Now, imagine to me how working Americans are helped by flooding the market with low-wage foreign labor.

The trillions of dollars of excess spending by the Democrats has already driven the inflation rate to 6.2 percent and rising. Madam Speaker, that means if you earn $50,000 a year, the Democrats just took $3,100 of that. If you have managed to put $100,000 towards your retirement, the Democrats just took $6,200 of that.

Policy matters. When Republicans reduced the tax and regulatory burdens, we delivered the lowest unemployment rate in 50 years, the lowest poverty rate in 60 years, and the fastest wage growth in 40 years. The Democrats now reversed these policies and reproduced the misery that we are suffering today.

The American people know that we are on the wrong track and that this bill sends us deeper into that cold and bleak winter.

Build back better?

How about put things back the way they were before you broke them, Madam Speaker.

Mr. YARMUTH. Madam Speaker, I yield 2 minutes to the gentleman from New York (Mr. JEFFRIES), who is the Democratic Caucus chairman and a distinguished member of the Budget Committee.

Mr. JEFFRIES. Madam Speaker, I thank the distinguished chair of the Budget Committee for his leadership.

Mr. YARMUTH. Madam Speaker, I yield 2 minutes to the gentleman from Iowa (Mr. FEENSTRA).

Mr. FEENSTRA. Madam Speaker, I thank Ranking Member SMITH for yielding.

Madam Speaker, I rise today in strong opposition to this reckless social spending bill. It is simply wrong that, rather than funding mandatory programs like Social Security and Medicare—which are on the verge of insolvency over the next 10 years—Democrats instead are adding 150 new programs to this bill. Think about that, seniors. Your money that is coming to you every day is on the verge of bankruptcy, and yet the Democrats are adding another 150 programs.

Academic economists all over our country are saying that this bill is a complete disaster for all Americans because it will dramatically increase taxes. The Penn Wharton Budget Model estimates that the new programs will exact a $4 trillion every year. Families and businesses can’t continue to go down this path of continuing to see increases in our gas, our groceries, and our hardware supplies all because of this reckless spending that continues to happen by the Democrats.

Mr. YARMUTH. Madam Speaker, I yield 2 minutes to the gentleman from Montana (Mr. ROUZER).

Mr. ROUZER. Madam Speaker, I yield to the budget chair on the other side of the aisle. He is quoted, “You can’t be a political party that talks about demanding the wealthy pay their fair share of taxes and then end up with a bill that gives large tax breaks to many millionaires.”

“How about put things back the way they were before you broke them, Madam Speaker.”

Mr. ROUZER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, the 2,000-plus-page bill before us today has countless provisions that are going to substantially increase the debt, incentivize even more people not to work, and hike the taxes of the very ones who create the jobs.

It levies more than $400 billion in tax hikes on small businesses, and it includes a $1.2 trillion Made in America tax plan that is going to do nothing but send jobs overseas. It spends nearly $80 billion so the IRS can go after the average taxpayer and snoop around his bank account. It eliminates work requirements for welfare when, in fact, we have 10.4 million jobs available.

It prevents lifesaving drugs from coming to market and disincentivizes the innovation necessary to discover cures. It hinders domestic energy production and even imposes a tax on natural gas.

Should this monstrosity become law, it will hurt the economy, drive up the debt, and increase inflation even more—all of which means the standard of living of each and every American is going to decline.

Mr. YARMUTH. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, virtually every Republican who comes to the microphone today will say that this is an inflationary bill. We know that. They have said that time after time after time.

Unfortunately, the experts disagree with them. Seventeen Nobel economists have written a letter stating they believe that this, over the long term, will ease inflationary pressures.

Former Treasury Secretary Larry Summers, who is as much of an inflation hawk as there is in this country, I think, said just last week, “I’m for Build Back Better. I’m for it because of what it’ll do for the environment. I’m for it because of what it’ll do for the society.
It will explode our national debt and my grandchildren will have to pay for this.

This socialist spending spree is a bad bill. It is bad for Long Island; it is bad for the Nation. I urge all of my colleagues to vote against it.
remain in their jobs, contributing to the 26.1 percent gender gap in workforce participation between mothers and fathers in Texas.

The Build Back Better Act will enable Texas to provide access to child care for 2,011,503 young children (ages 0–5) per year from families earning under 2.5 times the Texas median income (about $205,204 for a family of 4), and ensure these families pay no more than 7 percent of their income on high-quality child care.

The Build Back Better Act will provide universal, high-quality preschool for every 3- and 4-year old in America.

In contrast, today, only 24 percent of the 775,102 3- and 4-year-olds in Texas have access to publicly-funded preschool, and it costs about $8,600 per year for those who cannot access a publicly-funded program.

The Build Back Better Act will enable Texas to expand access to free, high-quality preschool to more than 588,286 additional 3- and 4-year-olds per year and increase the quality of preschool for children who are already enrolled.

Parents will be able to send their children to the preschool setting of their choice—from public schools to child care providers to Head Start—leading to lifelong educational benefits, allowing parents to go back to work, and building a stronger foundation for Texas’s future economic competitiveness.

The Build Back Better Act cuts taxes and reduces some of the largest expenses for workers and families, like education, health care, child care, and housing.

Madam Speaker, the average cost of a 2-year degree in Texas is $2,885 per year, and $11,096 per year for a 4-year degree, straining many student budgets.

To help unlock the opportunities of an education and high career path, the Build Back Better Act will increase maximum Pell Grant awards by $550 for students at public and private non-profit institutions, supporting the 486,377 students in Texas who rely on Pell grants.

The Build Back Better Act will also invest in Texas’s 112 minority-serving institutions and the students they serve, including Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and Hispanic-serving institutions (HSIs).

Madam Speaker, one of the world’s biggest economies, the United States is second to last in investing in workforce development, and funding for federal job training programs has dropped by almost half since 2001.

The Build Back Better Act invests in training programs that will prepare Texas’s workers for high-quality jobs in fast-growing sectors like public health, child care, manufacturing, IT, and clean energy.

Fifty-nine public community colleges in Texas will have the opportunity to benefit from grants to develop and deliver innovative training programs and expand proven ones.

Madam Speaker, 18 percent of children in Texas live in food insecure households, harming their long-term health and ability to succeed in school.

The Build Back Better Act will ensure that the nutritional needs of Texas’s children are met by expanding access to free school meals to an additional 1,642,000 students during the school year and providing 3,631,226 students with resources to purchase food over the summer.

When it comes to housing costs, more than 1.7 million renters in Texas are rent burdened, meaning they spend more than 30 percent of their income on rent, while homeownership remains out of reach for many families.

The Build Back Better Act expands rental assistance for Texas renters, while also increasing the supply of high-quality housing through the construction and rehabilitation of over 1 million affordable housing units nationwide.

The Build Back Better Act addresses the capital needs of the entire public housing stock, including one of the largest investments in down payment assistance in history, enabling more first-generation homebuyers to purchase their first home.

Madam Speaker, access to affordable quality health care should be a right, not a privilege, and residents of Texas facing illness should never have to worry about how they are going to pay for treatment.

The Build Back Better Act will close the Medicaid coverage gap to help millions of Americans gain health insurance, extend through 2025 the American Rescue Plan’s health insurance premium reductions for those who buy coverage on their own, and help older Americans access affordable health care by expanding Medicare.

In Texas, that means 1,554,000 uninsured people will gain coverage, including the 771,000 who fell into the Medicaid coverage gap, and 1,066,400 will on average save hundreds of dollars per year.

In addition, the Build Back Better Act will support maternal health and invest in national preparedness for future pandemics.

Finally, the Build Back Better Act will expand access to home- and community-based care to more of Texas’s senior citizens and disabled citizens and improve the quality and wages of caregivers.

Madam Speaker, the federal budget is an expression of the nation’s values and the investments made to Build America Back Better are a clear declaration of congressional Democrats’ commitment to ensuring that our government builds the American Dream, and our systems work for The People.

These long-overdue investments in America’s future will be felt in every corner of the country and across every sector of American life, building on the success of the American Rescue Plan, accommodating historic infrastructure investments in the legislative pipeline, and addressing longstanding deficits in our communities by ending an era of chronic underinvestment so we can emerge from our current crises a stronger, more equitable nation.

Madam Speaker, the bipartisan action we took in February 2021 when we passed the American Rescue Plan was a giant step in the right direction, but it was a targeted response to the immediate and urgent public health and economic crises; it was not a long-term solution to many of the pressing challenges facing our nation that have built up over decades of disinvestment in our nation and its people in every region and sector of the country.

We simply cannot afford the costs of neglect and inaction; the time to act is now.

The Build Back Better Act makes the transformative investments that we need to continue growing our economy, lower costs for working families, and position the United States as a global leader in innovation and the jobs of the future.

This $1.75 trillion gross investment will build on the successes of the American Rescue Plan and set our nation on a path of fiscal responsibility and broadly shared prosperity for generations to come.

The Build Back Better Act will provide resources to improve our education, health, and child care systems, invest in clean energy and sustainability, address the housing crisis, and more; all while setting America up to compete and win in the decades ahead.

The Build Back Better Act is paid for by ensuring that the wealthy and big corporations are paying their fair share and Americans making less than $400,000 per year will not see their taxes increase by a penny.

Let me repeat that: No American making less than $400,000 a year will not see their taxes increase by a penny.

In sum, Madam Speaker, the investments made by the Build Back Better Act will expand opportunity for all and build an economy powered by shared prosperity and inclusive growth, and I would like to go into a little more detail about the specific ways this bill will help the people of Texas.

Contrary to what my friends on the other side of the aisle will say, the Build Back Better Act will cut taxes for Texas families and workers, not increase them.

Prior to the pandemic, 15 percent of children under the age of 18 in Texas lived in poverty.

The Build Back Better Act will bolster financial security and spur economic growth in Texas by reducing taxes on the middle class and those striving to break into it.

Specifically, the Build Back Better Act extends Child Tax Credit (CTC) increases of $300/month per child under 6 or $250/month per child ages 6 to 17, which will continue the largest one-year reduction in child poverty in history.

And critically, the agreement includes permanent refundability for the Child Tax Credit, meaning that the neediest families will continue to receive the full Child Tax Credit over the long-run.

The Build Back Better Act will also provide a tax cut of up to $1,500 in tax cuts for more than 1.5 million low-wage workers in Texas by extending the American Rescue Plan’s Earned Income Tax Credit (EITC) expansion.

The Build Back Better Act will address the existential threat Texas and our entire country face from climate change by making the largest investment into our country’s green future in American history.

From 2010 to 2020, Texas experienced 67 extreme weather events, costing up to $200 billion in damages.

The Build Back Better Act will set the United States on course to meet its climate targets—a 50–52 percent reduction in greenhouse gas emissions below 2005 levels by 2030—in a way that creates good-paying union jobs, grows domestic industries, and advances environmental justice.

The Build Back Better Act represents the largest ever single investment in a clean energy economy—across buildings, transportation, industry, electricity, agriculture, and climate-smart practices in our lands and waters.

And the Build Back Better Act will create a new Civilian Climate Corps that will enlist a diverse generation of Texans in conserving our public lands, bolstering community resilience, and addressing the changing climate, all while putting good-paying union jobs within reach.

In clean energy and in other sectors, the Build Back Better Act will also strengthen domestic manufacturing and supply chains for...
critical goods, benefiting American businesses, workers, consumers, and communities.

The Build Back Better Act will deliver meaningful outcomes for Black communities and help build an America in which all can thrive.

Black families are feeling the strain of the high cost of living and are two times more likely than white parents to have to quit, turn down, or make a major change in their job due to child care disruptions.

Only 26.8 percent of Black 3- and 4-year-old children are enrolled in publicly-funded preschool, while the average cost of preschool for those without access to publicly-funded programs is $8,600.

Under the Build Back Better Act, the vast majority of working Black families of four earning less than $300,000 per year will pay no more than 7 percent of their income on child care for children under 6.

This will expand access to the 9 out of 10 families with young children across the country who are working, looking for work, participating in an education or training program, or taking care of a serious health condition, and who are spending up to 2.5 times their state’s median income.

This means most families will cut their child care spending by more than half—for example, for two Black parents earning $100,000 per year, the Build Back Better Act will produce savings of more than $5,000 in annual child care savings.

The Build Back Better Act also offers access to free preschool for all 3- and 4-year old children, providing Black parents access to high quality programs in the setting of their choice—public and private schools to child care providers directly with individuals most likely to commit violence.

The Build Back Better Act will also reduce the cost of home-based care for the hundreds of thousands of older Black adults and Black people with disabilities who need it and are unable to access it.

And investment in home care will raise wages for home care workers, 28 percent of whom are Black.

Almost 3.9 million Black people were uninsured in 2019 and even with the Affordable Care Act and Medicaid subsidies, coverage under the ACA was too expensive for many families, and over 570,000 Black people fell into the Medicaid “coverage gap” and were locked out of coverage because their state refused to expand Medicaid.

The Build Back Better Act closes the Medicaid coverage gap while also lowering health care costs for those buying coverage through the ACA by extending the American Rescue Plan’s lower premiums, which could save 360,000 Black people an average of $50 per person per month.

With these changes, more than one in three uninsured Black people could gain coverage.

The Build Back Better Act also adds hearing coverage, including for the more than 5.8 million Black people on Medicare.

And, the Build Back Better Act will make an historic investment in maternal health, including for Black women, who die from complications related to pregnancy at three times the rate of white women.

Madam Speaker, about 22.1 percent of Black people fall below the poverty line, struggling to pay expenses like food, rent, health care, and transportation for their families.

By re-authorizing the Child Tax Credit, providing a major tax cut to nearly 3 million Black people and cutting the Black poverty rate by 34.3 percent, which will help the 85 percent of Black women who are either sole or co-breadwinners for their families.

The Build Back Better Act permanently extends the American Rescue Plan’s increase to the Earned-Income Tax Credit from $543 to $1,502, which will benefit roughly 2.8 million Black low-wage workers, including cashiers, cooks, delivery drivers, food preparation workers, and child care providers.

The Build Back Better Act increases the maximum Pell Grant by $550 per year for students enrolled in public and private, non-profit colleges and make an historic investment in Historically Black Colleges and Universities (HBCUs), as well as Tribal Colleges and Universities (TCUs), and minority-serving institutions (MSIs).

Through high-quality training programs, career and technical education pathways, and Registered Apprenticeships, President Biden’s Build Back Better Act will invest in training programs that will prepare millions of Black workers for high-quality jobs in growing sectors.

The toll of gun violence overwhelmingly falls on Black Americans and other people of color. For example, Black men make up 6 percent of the population but represent more than 50 percent of gun homicide victims.

That’s why the Build Back Better Act provides $2.5 billion to support evidence-based community violence intervention programs shown to reduce violence.

These programs are effective because they leverage trusted messengers who work directly with individuals most likely to commit gun violence, intervene in conflicts, and connect people to social, health and wellness, and employment services to reduce the likelihood of violent behavior.

Madam Speaker, no one is better prepared or more experienced to lead the American renaissance that will be produced by the investments made by the Build Back Better Act than President Biden, the architect of the American Rescue Plan and who as Vice President during the Obama Administration oversaw the implementation of the Recovery Act, which saved millions of jobs and rescued our economy from the Great Recession the nation inherited from a previous Republican administration.

And let us not forget that President Obama also placed his confidence in his vice president to oversee the rescue of the automotive industry, which he did so well that the American car industry fully recovered its status as the world leader.

Madam Speaker, let me briefly highlight some of the key investments made by the transformative Build Back Better Act that benefit Black Americans.

The Build Back Better Act will provide two years of free pre-K and two years of free community college to ensure every student has the tools, resources, and opportunity to succeed in life.

It will also invest in our teachers and institutions that serve minority students and provide funding to give school buildings long-overdue infrastructure updates.

People lead happier, healthier, and more productive lives when they have had access to high-quality education and that is why the Build Back Better Act permanently invests to increase quality education by four years for all students at no cost to hard-working families.

The Build Back Better Act expands access to affordable, high quality education beyond high school, which is increasingly important for economic growth and competitiveness in the 21st century.

Specifically, the Build Back Better Act will increase the maximum Pell Grant by $550 for more than 5 million students enrolled in public and private, non-profit colleges and expand access to DREAMers.

It will also make historic investments in Historically Black Colleges and Universities (HBCUs), Tribal Colleges and Universities (TCUs), and minority-serving institutions (MSIs) to build capacity, modernize research infrastructure, and provide financial aid to low-income students.

The Build Back Better Act will help more people access quality training that leads to good, union, and middle-class jobs and will enable community colleges to train hundreds of thousands of students, create sector-based training opportunities with in-demand training for at least hundreds of thousands of workers, and invest in proven approaches like Registered Apprenticeships and programs to support underserved communities.

The Build Back Better Act will increase the Labor Department’s annual spending on workforce development by 50 percent for each of the next 5 years.

The Build Back Better Act expands access to affordable health care by strengthening the Medicare, Medicaid, and Affordable Care Act (ACA) Marketplace programs that millions of Americans already rely on.

It includes a major new expansion of Medicare benefits, adding a hearing benefit to the program for the very first time.

Only 30 percent of seniors over the age of 70 who could benefit from hearing aids have ever used them.

The Build Back Better Act strengthens the Affordable Care Act and reduces premiums for 42 million Americans who buy insurance through the Affordable Care Act Marketplace by an average of $600 per person per year.

Just for example, a family of four earning $80,000 per year would save nearly $3,000
Madam Speaker, the cost of pre-
school in the United States exceeds $8,600 per year on average, and for as long as we can remember, child care prices in the United States have risen faster than family incomes. Yet, the United States still invests 28 times less than its competitors on helping families afford high-quality care for tod-
dlers.

The Build Back Better Act supports families in need of child care by pro-
viding access to safe, reliable, and high-quality care by a well-
trained child care workforce.

The Build Back Better Act will pro-
vide universal and free preschool for all 3- and 4-year-olds.

This is the largest expansion of uni-
versal and free education since states and communities across the country established public high school 100 years ago.

This is important because our nation is strongest when everyone can join the workforce and contribute to the econ-
omy.

That is why this investment is vital to so many millions of—especially women—who are often forced to choose between working to support their fam-
ily care or caring for their family.

The Build Back Better Act will en-
sure that the vast majority of working American families of four earning less than $300,000 per year will pay no more than 7 percent of their income on child care for their children.

Under the Build Back Better Act, parents who are working, looking for work, participating in an education or training program, and who are making under 2.5 times their states median in-
come will receive support to cover the cost of quality care based on a sliding scale, capped at 7 percent of their in-
come.

The Build Back Better Act will help states expand access to high quality, affordable care to about 20 mil-
lion children per year—covering 9 out of 10 families across the country with young children.

For two parents with one toddler earning $300,000 per year, the Build Back Better Act will provide more than $5,000 in child care savings per year.

In addition, the Build Back Better Act promotes nutrition security to support children’s health and help chil-
dren reach their full potential by in-
vesting in nutrition security year-
round.

The legislation will expand free school meals to 8.7 million children during the school year and provide a $65 per child per month benefit to the families of 29 million children to pur-
chase food during the summer.

The Build Back Better Act will de-
lier affordable, high-quality care for
older Americans and people with dis-
abilities in their homes, while support-
ing the workers who provide this care.

Right now, there are hundreds of thousands of elderly Americans and
Americans with disabilities on waiting lists for home care services or strugg-
gling to afford the care they need, in-
cluding more than 800,000 who are on state Medicaid waiting lists.

A family paying for home care costs out of pocket currently pays around
$5,800 per year for just four hours of
home care per week.

The Build Back Better Act will per-
manently improve Medicaid coverage for home care services for seniors and people with disabilities, making the most transformative investment in ac-
cess to home care in 40 years, when these services were first authorized for Medicaid.

The Build Back Better Act will im-
prove the quality of caregiving jobs, which will, in turn, help to improve the quality of care provided to bene-
ficiaries.

It will address the capital needs of
the public housing stock in big cities
and rural communities all across
America and ensure it is not only safe
and affordable housing but that it is
habitable and more energy efficient as well.

Specifically, the Build Back Better Act makes the single largest and most comprehensive investment in afford-
able housing in history and will enable the construction, rehabilitation, and
improvement of more than 1 million af-
fordable homes, boosting housing sup-
ply and reducing price pressures for
renters and homeowners.

It also supports investments in pro-
grams that will help address our na-
ton’s housing crisis by increasing the
supply of affordable homes for those in
need and investing in historically un-
derserved communities and those that
have been previously left behind.

The Build Back Better Act will de-
spur job creation by investing in the
infrastructure needed to support the
recovery and transition to a clean
economy with historic investments to
improve the quality of life for millions of kids, families, and 
neighborhoods.

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Americans, improve air quality and public health, create good-paying jobs, and strengthen U.S. competitiveness—all while putting our country on the pathway to 100 percent carbon-free electricity by 2035.

The Build Back Better Act extends and expands clean energy tax credits and supports clean electricity performance payments so utilities can accelerate progress toward a clean electric grid at no added cost to consumers.

The Build Back Better Act invests in clean energy, efficiency, electrification, and climate justice through grants, consumer rebates, and federal procurement of clean power and sustainable materials, and by incentivizing private sector development and investment.

Another exciting aspect of the Build Back Better Act, Madam Speaker, is that it will drive economic opportunities, environmental conservation, and climate resilience—especially in underrepresented communities—including through a new Civilian Climate Corps.

Madam Speaker, the Build Back Better Act includes a $100 billion investment to reform our broken immigration system—and does it consistent with the Senate’s reconciliation rules—as well as to reduce backlogs, expand legal representation, and make the asylum system and border processing more efficient and humane.

Madam Speaker, immigrants eligible for such protection are an integral part of Texas’s social fabric.

Texas is home to 386,300 immigrants who are eligible for protection, 112,000 of whom reside in Harris County.

These individuals live with 845,300 family members and among those family members, 178,700 are U.S.-born citizen children.

These persons in Texas who are eligible for protection under the bill arrived in the United States at the average age of 8 and on average have lived in the United States since 1996.

They own 43,500 homes in Texas and pay $340,500,000 in annual mortgage payments and contribute $2,534,800,000 in federal taxes and $1,265,300,000 in state and local taxes each year.

Annually, these households generate $10,519,000,000 in spending power in Texas and help power the national economy.

The expansion of the Child Tax Credit (CTC) enacted in the American Rescue Plan has already benefited nearly 66 million children, put money in the pockets of millions of hard-working parents and guardians, and is expected to help cut child poverty by more than half.

The Build Back Better Act not only extends this meaningful tax cut, but it also extends the expanded Earned Income Tax Credit (EITC) and the expanded Child and Dependent Care Tax Credit, which help families make ends meet and put food on the table, reduce child poverty, and lessen the burden on hard-working Americans so they can provide a better future for America’s children.

Madam Speaker, I urge all Members to join me in voting to pass H.R. 5376, the transformative, life-changing Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, as the gentlewoman from Texas says, this helps a lot of people, especially if you are a millionaire. That is why it is the second largest provision in this bill. It is tax breaks for millionaires.

In fact, Senator Tester from Montana is quoted, he is “not a big fan because I think it gives tax breaks to the wrong people: rich people.” That is a Democrat Senator from Montana.

Madam Speaker, I yield 1 minute to the fine gentleman from New York (Mr. JACOBS).

Mr. JACOBS of New York. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. MORELLE), a distinguished member of the Budget Committee.

Mr. MORELLE. Madam Speaker, the Build Back Better Act is an historic opportunity for our Nation’s healthcare costs, increase access to childcare, support working families, and strengthen our economy.

One item I would like to highlight is a provision to boost regional innovation. Since the 116th Congress, I have proudly sponsored the Innovation Centers Acceleration Act, legislation that would invest significant Federal dollars in our Nation’s innovation efforts.

Federal R&D as a percentage of GDP has fallen consistently since the mid-1960s, harming our productivity and global competitiveness, while opening the door for China to lead the world in innovation.

I am incredibly proud that this bill includes $3.36 billion to create the regional innovation clusters envisioned in my proposal. Not only will this investment enhance our ability to be competitive, but it will create jobs at a time when they are needed the most.

Credited, or so I credit, as my colleague goes to join me in proudly supporting and advancing this historic legislation, and I look forward to its passage.

Mr. SMITH of Missouri. Madam Speaker, I appreciate the comments of the gentleman from New York, but I would just like to point out, in his home State, a family of four with two children under six, in just over a year, will face more than a $3,200 income increase. But yet, a millionaire in his State, for the next 10 years, will receive a tax break of over $25,000 a year.

Madam Speaker, I am happy to yield 1 1⁄2 minutes to the fragile gentleman from Georgia (Mr. CARTER).

Mr. CARTER of Georgia. Madam Speaker, I thank the gentleman for yielding. I thank him for his leadership. It is extremely important.

Madam Speaker, I rise today in adamant opposition to what is a disastrous package. Disastrous. This very well may be one of the most consequential votes any of us, any of us have ever taken on this House floor.

Yet, it has never, never gone through the proper process. It never received the proper consideration any demand of any piece of legislation, the least of which would be one of the most consequential pieces of legislation that we have ever considered.

I am sure most Members, on both sides of the aisle, do not fully know what is actually in this bill. Has anybody, has any Member actually read this bill? Anybody?

My colleagues across the aisle are attempting to pass the most expensive bill, not by a little bit, by a lot. It is, yes, it is the most expensive bill by a lot that has ever been passed in American history. It has the largest tax increase ever considered and the biggest expansion of government in a generation; all while they have the slimmest of majorities. This is not a mandate.

Look, what is going on? Look, what is happening here? The American people are rejecting this. You saw what happened in Virginia. You see what is happening in Texas.

We have got all these things going on.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. SMITH of Missouri. Madam Speaker, I yield an additional 30 seconds to the gentleman from Georgia.

Mr. CARTER of Georgia. Americans are told that they shouldn’t have a say in their children’s education. They tell us there is not one American behind enemy lines in Afghanistan. They see the crisis at our border. They go to the gas station; they see an increase in gas and electricity prices. They go to the store; they see an increase in household expenses. This legislation makes it worse. This legislation , this legislation, this legislation makes it worse.

Madam Speaker, I sincerely urge all of my colleagues to oppose this misguided and profoundly consequential bill.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Minnesota (Ms. CRAIG), a distinguished member of the Agriculture Committee.
Ms. CRAIG. Madam Speaker, the Build Back Better Act follows through on our commitment to expand access to and lower the cost of healthcare for Americans across this country and back home in Minnesota.

Included in this bill are the most far-reaching consumer-oriented prescription drug reforms to pass this Congress in my lifetime. Not only will Medicare have the power to negotiate the prices of critical drugs for America’s seniors, we are installing annual caps for Medicare beneficiaries paying the cost of insulin at $35 a month.

We have designed a package that would lower out-of-pocket healthcare costs for hardworking Americans by strengthening the ACA, extending the premium tax credits for millions of families nationwide.

This is our chance to make good on our promise to deliver a real, immediate impact that will lower the cost of healthcare to make it more affordable, more accessible for every person across this country.

I, for one, could not be more proud, and I encourage my colleagues to get this done.

Mr. SMITH of Missouri. Madam Speaker, I am happy to yield 1½ minutes to the gentlewoman from the great State of North Carolina (Ms. Foxx).

Ms. FOXX. Madam Speaker, I thank the gentleman for yielding.

Democrats’ spending bill is not about building back better. It is about building up a bureaucracy that will expand the reach of the Federal Government, especially over education.

This bill will impose Federal control over pre-K, limit parental choice, increase the cost of childcare, punish job creators, reward far-left special interests, and deepen our debt crisis.

This bill recklessly sets aside $400 billion for universal pre-K and childcare but, in reality, there is no telling how this provision will cost the American people. Subsidizing the childcare of wealthy families isn’t building back better, it is building back bankrupt.

This legislation is wrong for our country and wrong for our children. Education is best when run locally, and when parents are involved.

The bill also includes dangerous provisions from the PRO Union Bosses Act, which kneecap business owners while putting a target on job creators’ backs with outrageously inflated Labor Department fines.

Democrats keep saying this legislation is transformational. Well, let me tell you something: The American people do not want this country to be transformed in the way they want to transform it.

It is time to make protecting the future of this Nation, our children, a priority, not empowering teachers unions, burdening job creators, or centralizing control in the hands of unelected, unaccountable Washington bureaucrats.

Mr. YARMUTH. Madam Speaker, I am happy to yield 1 minute to the gentlewoman from California (Ms. Chu), a distinguished member of the Budget Committee.

Ms. CHU. Madam Speaker, I rise today in strong support of the transformative Build Back Better Act and the investments it will make in our economy to help working families in our country.

I am proud that, after months of compromise and negotiation, we have a bill today that is certain to make a difference in the lives of so many, while growing our economy and confronting the climate crisis.

By extending the child tax cut, making childcare affordable, and lowering drug prices, we are giving families more money in their pockets. We are also ensuring 4 weeks of paid leave for all workers so that nobody has to lose their job in order to take care of themselves or loved ones; something so many families have struggled with this pandemic.

And all these investments are completely paid for by ensuring that billionaires and corporations pay their fair share. Those who get rich off the backs of working families need to pay their fair share and support them.

Mr. SMITH of Missouri. Madam Speaker, I am happy to yield 2 minutes to the gentlewoman from Colorado (Mrs. Boebert). She is someone who is a warrior, a fighter for conservatism and, apparently, even the Budget chairman is threatened by her.

Mrs. BOEBERT. Madam Speaker, I thank my friend, the ranking member on the Budget Committee, who has done an excellent job exposing these terrible schemes to the American people this Congress.

Madam Speaker, America does not need and cannot afford this junk. America doesn’t need 80,000 new IRS agents snooping in our private transactions. These are politically weaponized bureaucrat bullies that we are looking for.

America cannot afford $1.5 trillion in new taxes, while Federal bureaucrats haul off and spend $4.1 billion on electric bicycles.

Do they realize that this will use more fossil fuels, more petroleum products, to create electric bicycles than conventional bicycles? I don’t think so. I think they have lost their ever-loving minds.

It includes $7.8 billion for environmental justice going toward woke universities; $100 billion for amnesty workarounds, as our southern border is completely broken by nearly 2 million illegal aliens, many of them criminal aliens. There is $55 billion for Green New Deal policies and tax breaks so congressional Members from the Bronx can afford a new Tesla.

Biden’s broke back budget has another $330 billion to incentivize workers to stay home. News flash to the party of wealthy cities and wealthy elites: We have a worker shortage right now in America. We have an inflation crisis. This will only make things worse, much worse, not better.

But let me guess. When things do get worse, as they inevitably will, we will need to reelect you-all’s sorry selves so you can fix it, right? No thanks. I will vote no on this monstrosity of a spending bill.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentleman from Texas (Mr. Doggett), a distinguished member of the Budget Committee.

Mr. DOGGETT. Madam Speaker, this bill offers childcare; educational opportunities from pre-K to post-grad; and the first belated, substantial response to the climate crisis. My top healthcare priority is providing assistance to 2 million Texans out of 6 million Americans who were denied healthcare by sorry Republican Governors. Families left behind can finally see a family physician.

From my bill to strengthen Medicare, we are giving away free healthcare to the children of wealthy families across this country. This is our chance to make good on our commitment to expand access to and lower the cost of healthcare to make it more affordable, more accessible for every person across this country.

I, for one, could not be more proud, and I encourage my colleagues to get this done.

Mr. SMITH of Missouri. Madam Speaker, I yield 1½ minutes to the gentleman from Wisconsin (Mr. Grothman).

Mr. GROTHMAN. Madam Speaker, I think I can find something I agree with my Democrat colleagues on. This bill is a transformational bill. It is a bill made up by people who think America is fundamentally broken and that we have to make big changes. That is what we are going to get. I will focus quickly on five areas.

One, illegal immigration. Under this bill, we are adding no new Border Patrol agents, but we are making it more difficult to deport people who have committed serious crimes here. We are using an additional carrot to get people here in that we are giving away free college to match the free healthcare we are already giving.

One way that this bill would transform America is you get a lot more illegal immigrants. Since yesterday, for the first time, we topped 100,000 illegal drug deaths in this country. I think this bill ensures that number is going to continue to go up. That is an understated story.

Secondly, I have always felt the biggest problem in America right now is an out-of-control welfare system that...
destroys families. That system becomes more generous in this bill, be through much more low-income housing or an earned income tax credit provision that increases the marriage penalty or Pell grants.

This is transformative bill, and I strongly wish my colleagues would vote against it.

Mr. YARMUTH. Madam Speaker, I yield 1½ minutes to the gentleman from California (Ms. WATERS), the distinguished chair of the Financial Services Committee.

Ms. WATERS. Madam Speaker, I rise in support of the Build Back Better Act, which will make historic investments across the country.

We are in the middle of a housing crisis, and I have worked hard for funding to assist this crisis that we have in housing. As chairwoman of the Financial Services Committee, I have considered this my responsibility.

It is not lost on me that more than 580,000 people experience homelessness on any given night, and millions of families are at this very moment sacrificing food to pay the rent. Many more have been kept out of their dream of homeownership.

With more than $151 billion for housing in this bill, Democrats are helping families achieve housing stability and homeowner affordability.

Housing is infrastructure. The Build Back Better Act provides the largest investment in America’s housing infrastructure in history. This investment is critical to creating a fair and equitable Nation where everyone can thrive.

As this bill goes to the Senate, in it we have $10 billion for first-generation home buyers; we have $25 billion in Section 8 rental assistance; we have $25 billion in the HOME program, CDBG, and the housing trust fund to build more affordable units.

So I would ask for support of this very significant legislation. It is indeed a game-changer. I urge my colleagues to vote “yes” on the Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, as the gentlewoman from New York said, there is $150 billion in this program for housing assistance. What is unfortunate, which she didn’t share, is that it also allows felons of domestic violence to get those grants, which is unacceptable.

Madam Speaker, I yield 1 minute to the gentleman from Virginia (Mr. CLINE).

Mr. CLINE. Madam Speaker, inflation rates are at a 30-year high, and gas prices are up 61 percent since last year. Why? Well, according to Joe Biden, it is because of the American Rescue Plan that this body passed in the spring. No less than the President himself said:

You got checks, but what happens if there is nothing to buy and you got more money to compete for goods? It creates a real problem.

Yes, Mr. President, it does create a real problem, and now you are trying to double down with this broke back better bill.

What does it do? It further harms the economy with $4.5 trillion in new spending, $1.5 trillion in new taxes, and $3 trillion in new debt. It benefits the wealthy with a SALT tax cut of $25,000 for millionaires, electric vehicle subsidies for couples making $300,000 a year, and increased paid leave for millionaires. It builds the bureaucracy with 150 new government programs, props up the Green New Deal, and weaponizes the IRS.

Madam Speaker, this is the wrong plan for America, and I urge my colleagues to vote “no.”

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. JAYAPAL), a distinguished member of the Budget Committee.

Ms. JAYAPAL. Madam Speaker, this is an incredible day. The House will pass the Build Back Better Act, President Biden’s popular and necessary agenda, and say to Americans everywhere: We believe in you.

Today, we say to families everywhere that we will cut your childcare costs in half and provide universal pre-K to 3- and 4-year-olds.

Today, we are finally going to talk on Big Pharma, cut the cost of prescription drugs, and make sure that people can afford the cost of insulin.

This bill makes the biggest Federal investment in housing in our history and allows America to truly lead on taking on climate with half a trillion dollars of investment and 40 percent of those funds going to communities that are most disproportionately burdened by the effects of climate change.

For the first time in 35 years, we say to immigrants: You are truly essential, not expendable. We will protect Dreamers, TPS holders, essential workers, and farmworkers.

I thank President Biden for his leadership. We will provide transformative change for people across America and invest in our competitiveness; our thriving, not surviving; and our humanity.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

I would like to read a quote from the Democrat Congressman from Maine, talking about the huge tax break for the millionaires. He says: “The fact that more progressive organizations on the Democratic side aren’t up in arms about this is wild.”

I am surprised with a lot of my colleagues on the other side who want to help working-class Americans, who instead are going to be supporting a bill that helps wealthy Americans.

Madam Speaker, I yield 1½ minutes to the gentleman from Virginia (Mr. GOOD).

Mr. GOOD of Virginia. Madam Speaker: 2 weeks ago they were scared to death of the continuation of these radical Biden policies, the radical policies of Governor Northam in Virginia, scared to death of the continuation of that that was represented by the potential election of Terry McAuliffe. Did the Democrat majority hear that message? No.

When this phony infrastructure bill is implemented 2 weeks ago, we will have $30 trillion in debt, which equates to $90,000 per American.

For my friends across the aisle, who are economically illiterate and not good at math, the $30 trillion worth of debt, 3 with 13 zeros. Please don’t tell them what comes after a trillion.

But it is not just the spending of this $2 trillion to $4 trillion. They don’t even know what it will cost because we don’t have a score.

It is 150 new programs. It is growing the welfare state. It is trying to get more people dependent on the Democrats for their sustenance, separating work from income, massive amnesty for tens of millions of illegal aliens in our country, and hundreds of billions of dollars for the Green New Deal.

This is the Bernie-AOC budget forcing us into electric vehicles. It will massively increase utility, gas, and fuel prices. It will massively increase inflation, and it will affordability.

But they are tone-deaf economically.

They want to bankrupt the future of our country with this massive, continued spending. It is bad for America, and everyone should vote “no.”

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. VELAZQUEZ), the distinguished chair of the Small Business Committee.

Ms. VELAZQUEZ. Madam Speaker, I rise in strong support of this legislation because working families deserve a government that will make their lives better.

First off, to build back better, we must invest in our Nation’s entrepreneurs, and that is exactly what this bill does. It will make a $5 billion investment in SBA programs that go beyond recovery and provide transformative, long-term solutions and economic stimulus. It will create millions of new jobs on top of the millions already added under the Biden administration.

This legislation also includes the largest single, one-time investment ever made to HUD’s public housing capital fund. It will go a long way to clearing the backlog of repairs around the country.

This bill also creates universal pre-K, expands the child tax credit, and finally mandates paid parental leave.

On climate, we are including a focus on environmental justice and frontline communities like those I represent.

This SPEAKER pre-tospe. The time of the gentleman has expired.

Mr. YARMUTH. Madam Speaker, I yield an additional 30 seconds to the gentlewoman from New York.
Mr. VELÁZQUEZ. Madam Speaker, here is what I can guarantee. Because of this bill, millions of working families will see their lives improved by a Federal Government that we are showing today has its back.

While this is not the end of the fight, it is what progress looks like. That is why I am proud to vote “yes.”

Mr. SMITH of Missouri. Madam Speaker, I yield 2 minutes to the gentleman from California (Mr. OBERNOLTE).

Mr. OBERNOLTE. Madam Speaker, 2 weeks ago, I led over 200 Members of this House in sending a letter to the Speaker, urging that we do not vote on this bill until the CBO had issued a cost score for this bill. Yet, here we are, debating what is likely the largest spending package in the history of this country, paired with the largest tax increase in the history of this country. I say “likely” because we really don’t know what the bill will cost. Apparently, we are supposed to pass the bill before we are allowed to know what it costs.

Madam Speaker, that is crazy. Here is why that matters. Our national debt right now stands at about $23 trillion. Although we don’t have a CBO score on this bill, what we do have is an analysis by the Wharton School at the University of Pennsylvania which says that this bill would add $300 billion to that debt, at least, and that is if all the programs in this bill sunset on time, which, apparently, is not going to happen. Further, the analysis says if they don’t sunset, this bill could add $2.5 trillion to our national debt.

Madam Speaker, here is the real tragedy: We run about a $2 trillion deficit this year, and even in a good year it will be over a trillion dollars. The tax increases alone in this bill would almost get us to balancing the Federal budget, which would allow us to avoid leaving a legacy of debt to our children and our children’s children.

Madam Speaker, this bill is bad for our country, and it is bad for our economy. I urge a “no” vote.

Mr. SMITH of Missouri. Madam Speaker, I stand today and rise in the strongest support for the Build Back Better Act, the most transformational investment in everyday Americans in generations.

I rise in support of the largest effort to combat climate change in American history.

I rise in support of the largest expansion of affordable health coverage for Americans as well as the highest investment in housing.

I rise in support of workers, who will be able to go back to work because they will have childcare, and their children will be able to have universal preschool.

I rise in support of the American people and seniors, who have been waiting for health care for too long for more home care, and the workers will be able to see an increase in wages for caregiving.

I am so proud to stand today for the American people, the middle class, who have been waiting so long for finally getting to see the Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, I appreciate the gentlewoman from Illinois, and I remind her that government spending is already helping fuel an inflation fire that is on pace to be the worst rate in 10 years. In her home State of Illinois, food prices currently are up 8 percent, clothing is up 9 percent, and gasoline prices are up 62 percent.

Madam Speaker, I reserve the balance of my time.

Mr. SMITH of Missouri. Madam Speaker, I rise today in strong support of the Build Back Better Act to deliver on the promises we have made to the American people.
This bill is about families and fairness. Even before the pandemic, parents in Virginia and across the country have been weighed down by the cost of raising their kids, caring for their elderly parents, and providing for their families. The Build Back Better Act will lighten that burden.

The investments we are making with this bill, universal pre-K, affordable childcare, and lower prices for healthcare and prescription drugs, will bring everyday costs for families down and help our children up for a bright future.

It will take long-overdue action to tackle the climate crisis by making the historic investments that we need to create a clean energy future for our kids, while creating millions of good-paying American manufacturing jobs in the process.

We have the opportunity to enact once-in-a-generation change that will improve the lives of our families and keep our children on a path to a strong and full recovery.

Madam Speaker, I urge my colleagues to support a swift passage of the Build Back Better Act.

Mr. SMITH of Missouri. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I will point out that since Joe Biden became President on January 20, the policies that he enacted by executive order in his first week in office have created an incredibly awful border crisis.

Unfortunately, 1.4 million people have illegally crossed the southern border since Joe Biden has taken office. And what does this legislation do? This legislation will only make it worse by providing over $100 billion in this legislation for backdoor amnesty.

This bill also provides roughly $45,000 of benefits to illegals over U.S. citizens. That is unacceptable. The American people do not want that, and they are not liking it.

Madam Speaker, I reserve the balance of my time.

Mr. YARMUTH. Madam Speaker, I yield 1 minute to the gentlewoman from New York (Ms. MALLIOTAKIS), a distinguished member of the Appropriations Committee.

Ms. MALLIOTAKIS. Madam Speaker, I never thought in the United States Congress— the home of the free, of the brave—that lawmakers who work hard every day and entrust us to spend their money wisely—that we would see a spending bill of this magnitude that would saddle our future children with debt.

And what is even worse than all of that is the name of the bill, that the people in this Congress are trying to fool the American people by calling it the Build Back Better bill. I thank Chairman YARMUTH and the Speaker, as well as the committee chairs who worked to craft this transformative legislation. It makes bold investments in our people, reduces inflation, and will deliver real improvements in their lives.

It will address the acute housing crisis in my community and throughout the country. It also includes wildfire prevention, drought relief, conservation efforts, and climate change research to curb the climate crisis.

It includes the child tax credit, paid family leave, child nutrition programs, expanding access to childcare for working families, low-income home energy assistance, and once-in-a-generation opportunity for universal pre-K. I urge a “yes” vote.

Mr. SMITH of Missouri. Madam Speaker, I yield 1 minute to the gentlewoman from California (Ms. LEE), a distinguished member of the Budget Committee.

Ms. LEE of California. Mr. Speaker, I rise in strong support of the Build Back Better bill. I thank Chairwoman YARMUTH and the Speaker, as well as the committee chairs who worked to craft this transformative legislation. It makes bold investments in our people, reduces inflation, and will deliver real improvements in their lives.

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Mr. SMITH of Missouri. Madam Speaker, I yield 1 minute to the gentlewoman from Ohio (Mrs. BEATTY), a distinguished member of the Financial Services Committee.

Ms. BEATTY. Mr. Speaker, I rise today in support of this transformative and once-in-a-generation opportunity to deliver for the American public in a way that we have never seen before.

They have been untruthful, and the American people will not forget what is happening here today.

Do not destroy the very country that my parents came to in order to pursue the American Dream.
And to my colleagues, it is paid for. The Build Back Better Act will create more than two million jobs each year over the course of the next decade. It will also ensure universal pre-K and extend the child tax credit to help lift thousands of children out of poverty.

Democrats and Republicans, America, listen to me, we need to make sure that everyone supports this. And for people who do not support Build Back Better, there should be consequences because this is the largest investment to combat the climate crisis in history.

It includes historical investments in HBCUs, it includes $150 billion in our Nation's housing infrastructure.

This bill is a win for all. Do not be fooled. We have worked hard, and this bill is for Democrats and it is for Republicans. People who do not vote for this do not believe in America. Mr. RYAN, for the role that they played, and I want to acknowledge two Members in particular, Mr. THOMPSON and Mr. SMITH of Missouri.

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The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. NEAL) promises to serve all Americans to gain access to coverage. The SPEAKER pro tempore. The gentleman from Massachusetts (Mr. NEAL) promises to serve all Americans to gain access to coverage.

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Mr. NEAL, Mr. Speaker, I yield myself 4 minutes.

Mr. Speaker, I stand today in strong support of the Build Back Better Act and its implications. I am proud of the substantive contributions that the Ways and Means Committee, once again, has made to this monumental initiative. With these provisions we will make transformational investments in families, workers, and the fight against climate change.

Getting to this point certainly has not been fast, nor has it been easy. Some might say it has been quite challenging. But that is what democracy looks like, and it frequently is noisy. We have examined these issues; we have had thoughtful, spirited debate in the committee; and we have refined our proposals.

Since 2019, the Ways and Means Committee has held over 40 hearings related to topics addressed by these provisions and we have heard from the stakeholders from virtually every perspective. Over the course of 40 hours of committee markup, we thoroughly debated this package and considered 60 amendments from the Republican members. And in the 3 months since we passed our historic package out of the committee, we have refined our policies further and made hard compromises in the interest of accomplishing fine things for the American people.

That is how legislation is developed, and it is not based on whim. There is not enough time to detail every policy in this legislation, but let me highlight just a few that are going to be particularly well received by the American people, and I am proud of these proposals.

First and foremost, we fought hard to include a universal paid family and medical leave provision to finally put an end to workers’ impossible choice between providing for their family and caring for them.

We also invest in making healthcare more affordable by extending the enhanced Affordable Care Act premium subsidies that we approved in the American Rescue Plan earlier this year.

We close the Medicaid coverage gap, which will allow four million uninsured Americans to gain access to coverage.

I urge my colleagues to vote ‘yes’ and send to the Senate the most transformational legislation for America and American families in a century.

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Mr. Speaker, I yield back the balance of my time.

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Mr. Speaker, I yield back the balance of my time.
This an ambitious package, but it makes major investments—emphasis on the word “investments”—in our economy, workers, and families, but it also responsibly meets the time in which we live. The Ways and Means Committee, of which I am enormously proud, has put forward the funds that are necessary to pay for these priorities by asking the most powerful amongst us to pay just a modest amount more. The various wealthy individuals will be asked to contribute, again, a bit more to our Nation that has provided them with the opportunities to have such substantial success.

I urge our colleagues to support this legislation. We will allow for a stronger and better Nation to build back better and stronger, and I reserve the balance of my time.

Mr. BRADY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we meet today to consider a bill in American history; a bill that no one has read, no one knows its cost, it was written in secret, and rushed to the floor to hide it from the American people.

We meet in the shadow of an awful economic report that shows America’s economy effectively stopped growing last quarter. President Biden is over 700,000 jobs short of his promises from the last stimulus, has ignored the damaging labor shortage, and the fastest rising inflation in 40 years.

This is all proof that President Biden is bungling the recovery, and leaves many Americans questioning his competence.

Given all that, you would think the President and Congressional Democrats would avoid sabotaging America’s economy further. But that is exactly what this $4 trillion socialist tax and spending binge does.

But President Biden’s crippling tax hikes will kill American jobs, drive many of them overseas, hammer small businesses as they struggle to recover, worsen the labor shortage, and drive inflation even higher.

And, yes, President Biden is absolutely breaking his pledge to not raise taxes on America’s lower- and middle-income earners. Two out of three millionaires will get a tax cut while the middle class gets a tax hike.

Both the liberal Tax Policy Center and the conservative scorekeeper, the Joint Committee on Taxation, confirm this. This bill imposes over $400 billion in taxes on America’s small businesses, which couldn’t come at a worse time.

There are $800 billion in tax increases on American businesses who compete both here and around the world.

This is an economic surrender to China, Russia, Japan, and Europe; driving American jobs, investment, and manufacturing overseas.

Our corporate minimum tax is really a Made in America tax.

It hits American manufacturing, energy, and technology businesses the hardest along with American consumers. The international tax increases make it better to be a foreign company or consumer than an American one.

Is it any wonder our foreign competitors are happy to embrace a small global minimum tax; they are getting American jobs and a big bite of our tax base.

There is a troubling new tax that hurts retirement plans, harming workers and seniors the most by punishing the businesses that invest in their own stock.

All this while the Federal Government enjoys record-high levels of tax revenue from corporations, small businesses, and high-income earners due to the Republican tax cuts in 2017.

This $4 trillion socialist tax and spending binge will drive prices up even higher on families and make the damaging labor shortage even worse.

As businesses from Main Street to the world struggle to find workers, Democrats’ changes to the child tax credit no longer require Americans to earn or to work to qualify for monthly checks.

Experts predict this, along with lavish COVID-19 Affordable Care Act subsidies, could drive up to 2 million more Americans to exit the workforce.

Under their paid leave plan, taxpayers will pay billions of dollars to put Washington in charge of your time, while workers struggle with one-size-fits-all mandates that limit choice for families and crush small businesses.

This is crazy, too: Democrats are insisting on giving a huge tax windfall to the wealthy 1 percent of Americans by lifting the reasonable SALT cap.

The cost of this tax giveaway? A whopping $222 billion.

The penthouse gets an obscene tax break, but the building janitor gets nothing. The middle class gets nothing.

The president of taxpayees who don’t itemize their taxes gets nothing but higher taxes themselves.

Where are their priorities? The SALT windfall for the wealthy is 50 times larger than the help a parent gets from the child tax credit.

And it gets worse: Democrats are spitting away $550 billion in green pork subsidies for the wealthy and the world’s biggest corporations.

Democrats are forcing taxpayers to send their own money to buy their own luxury electric vehicle worth 80 grand. They quietly snuck in tax breaks for wealthy trial lawyers, recording artists, electric bikes, and subsidies for the media. Of course, labor unions get a huge haul, including forcing the percent of Americans who don’t join a union to subsidize a few who do.

While special interests cash in, families don’t. Did you know this includes a new toddler tax that will force middle-class families to pay $13,000 more a year for their childcare?

And there are budget gimmicks galore.

“Costs zero” will go down in history as one of the biggest whoppers a President has ever told.

The true deficit is trillions of dollars over the decade.

And one of the budget gimmicks lands on American seniors who won’t have affordable generic drugs in the future to choose from.

Another budget gimmick is supercharging the IRS with 80,000 new agents. While Democrats will say they have walked away from their bank sur- villance plan, the White House is “hopeful” Senators will sneak it back in.

If you are worried about rising prices shrinking your paychecks more and more every month, these trillions in new government spending will only make it worse.

Inflation is killing families, forcing them to effectively pay a second utility bill, a second cell phone bill, or a second cable bill a month. Inflation is tax and Democrats are raising it in this bill.

So crippling taxes, driving jobs overseas, making the worker shortage worse, and driving prices higher, this is a terrible bill.

Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. THOMPSON), who had a profound impact on the renewable energy tax credits.

Mr. THOMPSON of California. Mr. Speaker, this is historic legislation, one of the most impactful investments in American workers, families, and communities during my time in Congress.

This bill includes the most sweeping and ambitious climate policy ever passed by Congress—the GREEN Act, legislation I was proud to lead with my Democratic colleagues on the Committee on Ways and Means. It provides 4 weeks of paid family leave and funds universal pre-K. It extends the child tax credit, a tax cut for working families that has dramatically reduced child poverty since it was signed into law.

This bill makes healthcare premiums more affordable, provides tax incentives to improve disaster resiliency, and funds the VA so our veterans get the services they earned. And this bill is paid for.

The investments in this bill are too many to list; but it is just that, an investment. This bill will pay dividends for generations.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. KELLY), one of our tax leaders.

Mr. KELLY of Pennsylvania. Mr. Speaker, I thank the gentleman from Texas.

Mr. Speaker, I think a lot of us go out and actually do our own shopping.
And I know now when I go out to shop, I not only look at the front of the box, I look to the back to see what is in it.

So we have here the Biden build back better sauce. Here it is. It is flavored with SALT tax, by the way, so don’t worry, everyone is content. And trust them. “It is in there.”

What is in there? 150 new government programs. How about this? This is a great bargain for the hardworking American taxpayer. Now, they’re saying it is only going to cost you $1.7 trillion, the Democratic in Washington would they say “only”.

The cost per American, $53,000 apiece; $550 billion for the Green New Deal; $412 billion in small business taxes; $80 billion for those wonderful guys from the IRS that are coming to tear you apart; $7.8 billion on environmental justice; massive electric vehicle subsidies for the very wealthy; government paid leave for high-priced CEOs; subsidies for wealthy families; a SALT tax break for millionaires; and the Tree Equity Program.

Who in the world would not buy this package? They will if they turn around and look at the back and understand that it is on sale right now in this House. Mr. Speaker, I yield 2 minutes to the gentlewoman from Massachusetts (Ms. CLARK), a fellow Bay Stater, good friend, and an effective member of the Committee on Ways and Means.

Ms. CLARK of Massachusetts. Mr. Speaker, I thank Chairman NEAL for his incredible work in putting together this bill and all his leadership and friendship. And today, we have the build back better agenda before us that was built on conversations that President Biden had with the American people so we can meet this time of historic challenge for them with historic progress.

The Build Back Better Act lowers costs and taxes for working families, creates jobs, and puts us on a path towards sustainability. We will provide 26 million children with access to affordable, quality childcare and universal pre-K. This will let families, and especially women in this country, get back to work and give all of our kids a great start.

We will build one million units of affordable housing, cut prescription drug costs, expand healthcare coverage, extend the historic child tax cut, and invest directly in climate resiliency and clean energy.

We declare with this bill that care is control in Washington, we have witnessed a through line of equity. Their Big Government agenda empowers bureaucrats to take away our constitutional liberties. You don’t get the vaccine, you get fired.

You try to manufacture something in America, you get taxed. You want to know what is being taught in your child’s school, you are labeled a domestic terrorist.

This is America today, folks. Parents around the country are sounding alarms about what is being taught in public schools. If you think parents are engaged now, wait till you see what happens when they find out their only option for the daycare is a government-appointed provider. Faith-based daycares disappear with this bill. This really is breaking news for anybody watching. Your faith-based daycare is eliminated with this bill. Parents, listen up. This isn’t a Republican or Independent thing, this is an American thing. This is dangerous. It is happening, and a “yes” vote brings this in. Please vote “no”.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Washington (Ms. DELBENE), a terrific member of the Committee on Ways and Means.

Ms. DELBENE of Washington. Mr. Speaker, I rise today in support of the Build Back Better Act. This transformational legislation will help grow our economy, get families back to work, and set our next generation up for long-term success.

The bill includes a 1-year extension of the child tax credit, a historic middle-class tax cut for families. It has already lifted 3.5 million children out of poverty. The help build or preserve over 800,000 affordable housing units over the next decade through an expansion of the low-income housing tax credit, ensuring millions more Americans will have a safe place to call home.

There is so much more in this legislation that will deliver direct support to our families, like making childcare and healthcare more affordable and accessible and making historic investments in fighting the climate crisis.

Mr. Speaker, I urge my colleagues to vote to build back better and support this legislation.

Mr. BRADY of Texas. Mr. Speaker, I yield 1 minute to the gentlewoman from Illinois (Ms. DELAURIO), a member of the Committee on Ways and Means.

Ms. DELAURIO of Illinois. Mr. Speaker, I rise today in strong opposition to the so-called Build Back Better agenda. President Biden campaigned as a moderate problem-solver, he has governed as a radical progressive.

Under nearly a year of Democrat control in Washington, we have witnessed devastating consequences, stifling inflation, massive labor shortages, a supply chain crisis, and devastation at our southern border.

Instead of stepping back and working with Republicans to address the real issues American families face, President Biden and the Democrats are pressing ahead with the most radical legislative agenda in my lifetime.

Here is what the bill does: raises taxes on Illinois farmers, middle-income workers, and small businesses, while subsidizing the wealthiest individuals on the coasts; encourages the IRS to snoop on average Illinoisan’s bank accounts; and pushes us to the brink of becoming a welfare state.

Moreover, this bill is not paid for, as the Democrats claim, and will only bankrupt our children and grandchildren. This so-called Build Back Better agenda is a bad deal for Illinois and American families, and I urge my colleagues to vote "no".

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Connecticut (Mr. LARSON), neighbor, and an effective member of the Committee on Ways and Means.

Mr. LARSON of Connecticut. Mr. Speaker, I thank Chair NEAL for his outstanding leadership.

Wow. Can you feel the love in this room today? Can’t you? I will tell you, I got to hand it to you, the ‘vote no’ crowd and the dough is pretty good. Everybody votes against the bill but then gets a newsletter out and takes credit for all the good work that is in the bill. No one voted for the American Rescue Plan, and yet, you took credit for that and sent letters out to people about their checks. But that is to be understood.

Mr. Speaker, what this bill does is to make sure that working families, on average, will get $430 back in their paycheck each month to save more than $14,000 a year in childcare; and universal pre-K will save families about $8,600 a year as well. Seniors will now have lower prescription drug prices, an estimated savings of $900 a year; and families in Connecticut will no longer be double-taxed on State and local taxes.

Mr. Speaker, I thank ROSA DELAURIO and RICH NEAL for their hard work.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Oklahoma (Mr. HERN), a member of the Committee on Ways and Means.

Mr. HERN. Mr. Speaker, today we are a simple majority vote away from the largest expansion of the Federal Government in the history of this great Nation, ushering a new era of dependence on socialized government.

We sit at a crossroads between two different directions:

Free will or government control.

Honest, hard work or cradle-to-grave welfare.

Generational debt or deficit reduction.

Tax increases or tax reduction.
Socialism or economic freedom.

American energy independence or pro-China Green New Deal.

Mass amnesty or secure border.

Keep jobs at home or send them overseas to China.

Economic growth or economic surrender.

The American people or D.C. politicians.

History will remember which road we decide to go down. I strongly encourage you to choose wisely and vote “no”—vote “no”—on the build back broke bill.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. DANNY K. DAVIS), who had a substantive impact on the writing of this legislation.

Mr. DANNY K. DAVIS of Illinois. Mr. Speaker, I rise to express my strong support for the Build Back Better Act and commend all of those who played a role in making it happen, especially Speaker PELOSI and chairman of the Ways and Means Committee, RICHARD NEAL, and all of the members and staff on that committee.


Build Back Better will provide preschool programs for children of working families across America. It even provides help for individuals who have prison records so that they can get jobs and go to work.

It is good for America. It is good for every community in America.

Mr. Speaker, I strongly support it, and I urge its passing.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. MEUSER).

Mr. MEUSER. Mr. Speaker, I thank my friend, the esteemed gentleman from Texas very much.

Mr. Speaker, this break business’ backs bill is the latest iteration of an upside-down—in fact, inverted—economic agenda, ignoring today’s problems and doubling down on what we see are failed policies.

What is in this partisan reconciliation bill says more about Democrat’s Big Government agenda than people’s actual making it happen, especially Speaker PELOSI and chairman of the Ways and Means Committee, RICHARD NEAL, and all of the members and staff on that committee.

Today, this Congress is cementing a commitment to finally nation-building at home, in America and for Americans; investments in American families to help them become healthier, happier, and more productive into and through adulthood.

Mr. Speaker, because of this bill, the future of my community in Western New York will be stronger and more resilient. We are building back better, stronger, and longer. This bill reflects our optimism to confront our challenges with strength.

Mr. Speaker, I strongly urge my colleagues to support this legislation.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Georgia (Mr. FERGUSON), the chief deputy whip and a member of the Ways and Means Committee.

Mr. FERGUSON. Mr. Speaker, what I really want to say about this bill would probably make me wind up on the prayer list of the church folks back home.

This bill is horrendous for America. Most Americans want a job; they want a decent, safe place to live; they want their kids educated; and they want to be left alone to lead their lives the way that they want to. This bill violates every one of those basic tenets.

It is going to destroy the economy and raise inflation. People will not be economically more secure.

It is encouraging additional illegal immigration at our southern border, and it is making our communities less safe.

It is going to destroy private daycare. This bill is going to allow the government to tell you where you have to have your kids educated.

Has the majority not learned anything from what happened in the election a couple of weeks ago?

By the way, it is going to tell you how you have to live your life, what kind of car you can buy, what kind of business you can run, and how to operate your business. Americans are sick and tired of this kind of government overreach.

Mr. Speaker, 87,000 new IRS agents to spy on Americans’ bank accounts, to come dig in that couch, to come pay for SALT. This thing stinks like 3-day-old roadkill on south Georgia asphalt. Vote “no.”

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Wisconsin (Ms. MOORE), the passionate advocate for the people of Milwaukee.

Ms. MOORE of Wisconsin. Mr. Speaker, I am so proud to support the Build Back Better Act. It is time for us to pass this historic legislation that invests in our communities, our workers, our children, and our families, while asking the wealthiest among us, who have benefitted from our growing economy, to pay their fair share.

These investments will lower the costs of childcare, which has kept many women out of the labor force. It invests in our future workforce through our children. It helps us tackle the climate crisis, bolsters resilience, and creates economic and job opportunities and good-paying jobs for millions. I could go on and on.

Mr. Speaker, I want to end by talking about the millions of people who depend upon insulin, something that has been a bipartisan issue. It is going to lower those costs to just $35 a month. That is reason enough to pass the Build Back Better Act.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. SMUCKER), a member of the Ways and Means Committee.

Mr. SMUCKER. Mr. Speaker, I hope the American people are watching closely today because there is a fundamental question being debated, and that is: What should the role of the Federal Government be in each of our daily lives, and what system best provides for the opportunity and well-being of the American people?

That is the question today.

Democrats believe—they said this in our hearings—that the Federal Government should provide everything to ensure all needs are met for middle-income Americans.

We believe in earned success. We believe in rewarding hard work. That system, the free market system, has provided more opportunity than ever before in the history of mankind. It invests in our future workforce through our children. It helps us tackle the climate crisis, bolsters resilience, and creates economic and job opportunities and good-paying jobs for millions. I could go on and on.

Mr. Speaker, freedoms aren’t taken all at once. They are taken bit by bit by bit. This is a move toward an entirely different economic system. It is a move toward socialism.

With that, this is a move that doesn’t work. Look at every country in history that has overdelivered and overspent. It has not ended well.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Virginia (Mr. BEYER), whose economic advice abounds through this institution.

Mr. BEYER. Mr. Speaker, I thank the chairman for his extraordinary

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leadership on the Ways and Means Committee in putting this together, and I urge all of my colleagues to support the Build Back Better Act.

Mr. Speaker, this bill finally makes it clear that our government’s most important responsibility is to give every American the possibility for life, liberty, and the pursuit of happiness.

The Build Back Better Act makes the boldest actions to fight the existential crisis of climate change. It contains some of the most important benefits for American families ever contemplated by Congress: lowering drug prices, paid family leave, affordable childcare and healthcare, universal pre-kindergarten, and an extended child tax credit.

Mr. Speaker, this bill would boost our economy in the best and strongest way by investing in our workforce and increasing labor force participation. It would create long-term structural benefits for our economy that strengthen our supply chains, reduce the effects that drive up energy prices, and restrain inflation.

Along with the recently enacted infrastructure bill, it will create millions of jobs.

Mr. Speaker, a vote for the Build Back Better Act is a vote for sustained, long-term economic growth that will benefit generations of Americans.

I urge my colleagues to vote “yes.”

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. Roy).

Mr. ROY. Mr. Speaker, I can’t help but remember what my so-called moderate colleagues on the other side of the aisle are waiting for, with bated breath, from a CBO score.

You don’t need a CBO score to know that $100 billion worth of amnesty, when our laws are still on the books, will cripple the State of Texas, cripple our country, and cause thousands of pounds of fentanyl to pour into our country.

You don’t need a CBO score to know that the $50 billion increase in OSHA fines to go after small businesses and shut them down with tyrannical vaccine mandates is going to cripple jobs and small businesses across the country.

You don’t need a CBO score to know that $500 billion of unicorn climate agenda energy policies are going to drive up heating costs, drive up the cost of gasoline, and cripple our economy. You don’t need a CBO score to oppose it.

You don’t need a CBO score to know that $300 billion of tax giveaways to basically blue State Yankees is going to somehow fix our country.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Pennsylvania (Mr. Evans), a highly effective member of the Ways and Means Committee and a terrific gentleman from Philadelphia.

Mr. EVANS. Mr. Speaker. Philadelphia is asking for help even before the pandemic, help with things like childcare, the cost of prescription drugs, housing, and jobs.

Philadelphia, I have heard you. I am proud to vote for the Build Back Better Act and the infrastructure bill this week.

Most of all, today, we make history. We make history because we are doing something America cannot ignore:

And it is important to remember, Build Back Better sends a message to every single American that we are on their side.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Nebraska (Mr. Brunson), the ranking member of the Select Revenue Subcommittee.

Mr. SMITH of Nebraska. Mr. Speaker, I rise in opposition. It seems the majority has seen everything that the American people are angry about and are doubling down instead of addressing the very problems that need to be addressed.

Americans are angry about the proposed million-dollar payments to folks who want to come to our country illegally. This bill makes that worse.

Americans are angry they can’t get the IRS to answer the telephone. This bill spends $45 billion to further weaponize the IRS.

Americans’ anger that store shelves are empty and prices are rising because of worker shortages. This bill makes it worse.

Americans can’t get necessities like cars. In my district, newly manufactured cars are unshipped and undelivered because of chip shortages. This bill makes it worse.

Our economy is hurting. We need to get the American people back to work. This bill is only going to make life harder and more expensive for the very people who some are claiming to try to help.

Mr. Speaker, I urge a “no” vote.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. Pallone), the chairman of the Energy and Commerce Committee and one of the only two Members left from the class of 1988 in Congress.

Mr. PALLONE. Mr. Speaker, I rise in strong support of the Build Back Better Act.

This legislation builds on our efforts to make healthcare more affordable and accessible for all Americans, including millions unfairly caught in the Medicaid coverage gap.

It also makes prescription drugs more affordable by finally giving Medicare the ability to negotiate lower drug prices with the pharmaceutical companies. Seniors will also pay no more than $2,000 a year in out-of-pocket costs for their drugs, and the legislation penalizes Big Pharma companies that unfairly raise prices.

The Build Back Better Act also aggressively tackles the worsening climate crisis. The new greenhouse gas reduction fund will accelerate innovation on clean energy technology. Rebates for homeowners to electrify and make their houses more efficient will save them money and reduce emissions. The new methane emissions reduction program will drive down pollution from the oil and gas industry.

Mr. Speaker, we simply cannot wait any longer to combat the climate crisis.

The Build Back Better Act invests in the American people and our future and deserves strong support today.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentlewoman from West Virginia (Mrs. Miller), a member of the Ways and Means Committee.

Mrs. MILLER of West Virginia. Mr. Speaker, since President Biden has taken office, he has tried to increase taxes on everyone, and one is the Build Back Better Act—or as I like to call it, build back broke—is the latest example of his radical tax and spend agenda.

This bill includes $1.5 trillion in new spending, $1.5 trillion in new taxes, and will cost $3 trillion in new debt.

I introduced two amendments in this legislation, one that would ensure Americans still have access to lifesaving cures and one that would ensure Members of Congress do not benefit from Democrat SALT deduction. Democrats rejected both.

If passed, this reconciliation package will negatively affect all facets of our day-to-day lives. It will make energy more expensive, tax small family businesses, ship American jobs overseas, and make the inflation crisis worse.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentlewoman from Connecticut (Ms. DeLauro), the chairwoman of the Appropriations Committee, who is an advocate on behalf of the child tax credit.

Ms. DE LAURO. Mr. Speaker, the Build Back Better Act strengthens our economy and changes the lives of millions of Americans.

It fights inflation because it is fully paid for by making big corporations and the wealthiest pay their fair share.

No one making under $400,000 will pay a penny more in taxes as a result of this bill.

It expands and improves the child tax credit, the biggest tax cut for working families with children, a transformative policy that the chairman and I have been fighting for, for nearly 20 years. It is a lifeline for the middle class and lifts over 50 percent of children out of poverty.

It guarantees that the cost of childcare will not exceed 7 percent of a family’s income. It includes paid family medical leave, which responds to the needs of all people so they can take time off to care for themselves or a loved one.

It delivers a historic and once-in-a-generation investment in combating climate change that our country must address.

It lowers healthcare costs. It provides universal pre-K. I could go on and on.

We have an opportunity to build the architecture for the future for working families. Working and middle-class families across this country are counting on us to build a better and stronger America.
Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. SMITH).

Mr. SMITH of New Jersey. Mr. Speaker, the U.S. Conference of Catholic Bishops said it was completely unacceptable that the Build Back Better Act expands taxpayer funding of abortion in many new and expanding programs.

The National Right to Life Committee has pointed out that even Obama-proposed legislation contained a provision that specifically permitted States to ban elective abortions in their exchanges. The BBB, starting in 2024, would explicitly override the laws of those States.

Mr. Speaker, Mr. Biden once said that those of us who are opposed to abortion should not be compelled to pay for them. This bill coerces us to pay for abortion on demand.

Mr. Speaker, unborn babies need the President of the United States and Members of Congress to be their friends and advocates, not powerful adversities subsidizing their violent destruction.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from New Jersey (Mr. PASCRELL), who is always quotable.

Mr. PASCRELL. Mr. Speaker, I congratulate the gentleman on his efforts in this legislation.

Mr. Speaker, last November the American people put Democrats in charge to raise this Nation from its knees, to improve the lives of working men and women, to confront powerful interests, and to rebuild for the next century. New Jersey taxpayers sent us to provide real relief from the odious SALT cap.

Don't pick out two or three districts in the country. Look at the whole situation, and then decide about this low-hanging fruit that you took to pay for your disaster in 2017.

This legislation is a blueprint for America to build back better.

And what was your answer?

We got back the next week to vote on the other bill, and you voted to adjourn. You want to go home. You don't want to vote on any of those things. You did it. Facts matter. Dispute it.

Only one party is making raising children affordable.

Only one party is creating a green future that is accessible and supports domestic manufacturing.

Only one party will close the tax gap and provide tax fairness for working Americans.

The American people elected Democrats to act with urgency for the present and the future, Mr. Speaker.

The SPEAKER pro tempore. Members are reminded to direct their remarks to the Chair.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. BOST).

Mr. BOST. Mr. Speaker, I thank the gentleman for yielding.

Mr. Speaker, the Build Back Better plan is a big, bloated joke. The problem is it is not funny.

At a time when inflation is skyrocketing, House Democrats are double-downing on their socialist wish list. Is your family financially after endless COVID shutdowns?

Don't worry. The Democrats have a plan. They are going to be giving $80 billion to the IRS to double the number of agents who can track your spending habits.

Worried about whether you can afford to put gas in your car or heat your home this year?

Well, House Democrats have a plan for that too: huge tax hikes on natural gas, kneecapping American-made energy products to pour billions into the Green New Deal.

Are you concerned about the security on our borders and keeping communities safe?

House Democrats are providing amnesty for 8 million illegal immigrants. And we still don't know what the cost of this bill is going to be. There is no report here yet.

Mr. Speaker, we should not be voting on this monstrosity, and I urge my colleagues to oppose it.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Illinois (Mr. SCHNEIDER). He is a very effective gentleman, and he is always Midwestern.

Mr. SCHNEIDER. Mr. Speaker, I rise in strong support of the Build Back Better Act that will make transformative investments in the lives of everyday Americans, all without adding to the deficit.

This bill is good for our country. It will unquestionably enhance the future for our children, but also improve the here and now for their parents and grandparents creating opportunities like universal pre-K.

It takes on national challenges by lowering the cost of prescription drugs and, critically important, giving working families a tax cut.

I have this morning start that I want a bill that will address four things: climate change, kids and education, healthcare, and economic growth. This legislation checks every box.

I am proud of the work of all the House committees, and particularly our Ways and Means Committee. I am also proud that several initiatives I have long championed are included in this bill, including sustainable aviation fuel to fight climate change, Health Profession Opportunity Grants and graduate medical education to make healthcare more accessible, onshore wind manufacturing tax credits to bolster domestic energy supply chains, and, significantly, tax cuts through the child tax credit and State and local tax deduction.

Mr. BRADY. Mr. Speaker, I yield 1 minute to the gentleman from Texas (Mr. ARRINGTON), who is a key member on the Ways and Means Committee.

Mr. ARRINGTON. Mr. Speaker, I thank my colleague from the great State of Texas for yielding.

Mr. Speaker, I have said a lot about the disastrous effects of this gargantuan tax and spend bill on the heels of an economy that is sputtering on account of massive spending, which is driving inflation, and on the unemployment policies that have locked labor on the sidelines, and you have got vaccine mandates coming down the pike. This is the proposal from my Democrat colleagues and my friends.

What I can't understand, for the life of me, Mr. Speaker, for you to allow the outrageous carve-outs. This looks like a Christmas tree of giveaways to political allies, unions, plaintiffs' attorneys, and media corporations.

That is all in this bill, Mr. Speaker. I plead with my colleagues: Relent.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. PANETTA), who is a very effective member of the Ways and Means Committee.

Mr. PANETTA. Mr. Speaker, I thank the chairman for his leadership and for his love of this institution.

Mr. Speaker, the Build Back Better Act is about future opportunity for our districts and for our democracy.

As an immigrant-fueled, frontier nation, we value individual mobility and reward hard work. That is the foundation of why we are the richest and most successful nation ever. However, we are at an inflection point in which the past failure to invest in our working families has led to the degradation of our common life. That is why now more than ever we must provide more for the people who have plied through the pandemic, who propel our economic prosperity and promote our national unity.

This legislation does that by focusing on children, education, healthcare, and affordable housing. It builds up our fight for clean energy and climate resiliency with e-buses, e-bikes, and microgrids; and by financing it in a way that protects our family farms and promotes our farm workers.

For those of you who vote against this legislation today, you will probably take credit for it tomorrow because this investment will benefit not just my constituents but yours, too, in a way that every working family, not just with the resources to succeed in our country but with the dignity they deserve by playing a part in our democracy.

Mr. BRADY. Mr. Speaker, I yield myself 1 minute.

Mr. Speaker, I have a whole host of organizations, coalitions, patient groups, health advocacy groups, institutions, associations, and small businesses who have vehemently opposed and raised alarming concerns about this bill.

Mr. Speaker, I include in the Record that list.
DEAR REPRESENTATIVE: On behalf of NFIB, the nation’s leading small business advocacy organization, I write in strong opposition of H.R. 5376, the Build Back Better Act. This legislation would increase taxes, impose new mandates, and increase penalties on small business owners, threatening to disrupt the fragile small business recovery. H.R. 5376 will be considered an NFIB Key Vote for the 117th Congress.

NFIB opposes efforts to raise taxes on small businesses. The Build Back Better Act broadens existing passive income taxes and imposes new mandates, which will impose a significant increase on businesses. The Build Back Better Act would also include significant increases in penalties for small pass-through businesses and over half of pass-through business income. When combined with the other surtaxes on certain pass-through businesses, the new legislation would create a 48.8% federal effective tax rate on pass-through business income before even state and local taxes. NFIB’s latest tax survey, small business owners shared that federal business income taxes were the most burdensome tax on both a financial and administrative basis. These taxes will divert resources away from job creation, compensation increases, and business investment and further complicate tax compliance. The permanent tax increase on temporary spending programs, meaning additional tax hikes will be necessary if the programs are extended and offset.

NFIB is also concerned about the impact of a government-run paid family and medical leave program may have on small employers. The Build Back Better Act includes a four-week federal paid family and medical leave program for all workers without regard to employer size. This program would be a significant change to small employers (fewer than 50 employees) who are currently not subject to the Family and Medical Leave Act (FMLA). Congress wrote this exemption into the National Labor Relations Act (NLRA). If penalties are substantially increased, a single error could ruin a small employer and permanently put them out of business. In a recent NFIB member ballot, 90% of small employers believe that employers should be exempt from paid sick and family leave mandates. Requiring small business participation in a federal paid family and medical leave program would take away the flexibility many small businesses need to be able to manage their workforce at a time when half of small business owners are struggling to fill open positions.

NFIB opposes increased penalty amounts and increased penalty exposure on small businesses. The Build Back Better Act increases civil monetary penalties on small businesses with isolated errors when trying to comply with complicated federal employment laws. Further, the legislation provides for employers by expanding the Affordable Care Act’s employer mandate. Fair Labor Standard Act (FLSA) violations currently operate under a strict liability standard, meaning employers who make an honest misinterpretation of the law or make an isolated mistake are not given leniency. The legislation also increases civil monetary penalties for violations under the Occupational, Safety, and Health Act (OSHA), as well as those under the National Labor Relations Act (NLRA). If penalties are substantially increased, a single error could ruin a small employer and permanently put them out of business. Further, the legislation lowers the definition of “affordability” for the ACA’s employer mandate, which would drive up health insurance costs for employers. Small businesses do not have the revenue of larger businesses and cannot simply absorb these substantial fines and cost increases. They also do not have the human resources departments to negotiate lower fines with agency officials or lower premiums with health insurers.

Small businesses are struggling with labor shortages, rising inflation, supply chain disruptions, and increasing threats from...
COVID-19 variants. Congress should not impose significant tax increases, inflexible mandates, and massive new civil monetary penalties on small businesses as they would complicate and delay the fragile small business recovery.NFIP poses H.R. 3376 and will consider the legislation an NFIP Key Vote for the 117th Congress.

Sincerely,
Kevin Kuhrman,
Vice President, Federal Government Relations.

Mr. BRADY, Mr. Speaker, I include in the RECORD a letter from American Farm Bureau who represents nearly 6 million families and American farmers asking us to reject passage of this bill due to inflation and how this hurts America’s farmers.

American Farm Bureau Federation,

Hon.
House of Representatives,
Washington, DC.

Dear Representative:
On behalf of the Farm Bureau’s nearly 6 million member families, I write to urge you to oppose the Build Back Better Act, a piece of legislation that imposes taxes and spends more than twice the money at a time our country can afford to do neither.

Inflation is driving up costs across the economy. And greatly increased federal spending is a contributing factor. Federal policy choices have raised energy prices, leading to higher costs for everything from food to used cars. And yet, this legislation will further exacerbate that pain through a methane tax on oil and gas.

The Consumer Price Index is at a 31-year high, and unlikely to reach historical norms any time soon, having risen 6.2% since this time last year. Inflation is a hefty tax on every American’s paychecks.

While certain funding increases or newly created programs may, by themselves, be commendable, the totality of the increased federal spending in this bill coupled with the enormous burdensome tax increases levels on businesses and individuals to pay for it will stifle economic growth and destroy jobs. Ultimately, the result could be the consolidation or sale of family farms and ranches.

The legislation also seeks to raise revenue by increasing fines and penalties as much as ten times their current amount for violations of the Occupational Safety and Health Act, Magnuson-Stevens Act, and Migrant and Seasonal Agricultural Worker Protection Act. The missteps of farmers and ranchers when navigating complex, oftentimes onerous regulations and laws should not serve as a funding mechanism. While Farm Bureau does not condone bad actors when it comes to appropriately managing safety, the seasonal workforce, and employee pay on the farm, fines associated with OSHA, FLSA, or MSRA violations should not be determined based on the damage done to serve as a pay-for in a partisan legislative process. If enacted, these provisions could put well-meaning farmers and ranchers out of business.

While some elements of the reconciliation package would benefit agriculture, the massive amount of spending and tax increases required to pay for the plan outweigh the gains we would see in rural America. Also, the manner in which they were crafted is concerning. The agriculture industry and the communities we represent have held to a long tradition of bipartisanship that we have seen erode over this past year. We hope this does not negatively impact future farm policy discussions.

In addition, the best policy is that which is discussed in an open and transparent manner with input from a variety of stakeholders. Reconciliation has been anything but transparent with billions of dollars not even discussed by the committees of jurisdiction. This should concern advocates of good and responsible government.

The economy is still recovering from the pandemic, supply chains are stressed, and inflation is pervasive panic on America’s pocketbooks. Now is not the time to put an additional burden on families struggling to make ends meet. Making months of contentious, partisan debate surrounding the Build Back Better Act, Farm Bureau can only stand in opposition to the legislation.

Respectfully,
Zippy Duvall,
President.

Mr. BRADY, Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from California (Mr. GOMEZ), whose negotiating partner with billions of dollars not even discussed by the committees of jurisdiction. Mr. GOMEZ. Mr. Speaker, I rise today as a silent American. I am the son of Mexican immigrants who came here in pursuit of the American promise; a promise that if you work hard and follow the rules, you will succeed, and your children and grandchildren will build on that success.

Unfortunately, the promise has eluded far too many Americans, particularly the working class and people of color. Although some of America feel as if America has given up on them, they have refused to give up on America. That is why we must pass the Build Back Better Act to make historic investments in our people and our planet and put the American promise within reach of an entire generation for the first time.

Through the Build Back Better Act, we have an opening to invest in children and families by expanding the child tax as a universal benefit, giving millions of families an affordable place to call home, and tackle climate change while creating good-paying jobs. We have a chance to redefine our commitment to the American people and to move us a more just, equitable, and perfect Union.

Mr. BRADY, Mr. Speaker, I continue to reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from Nevada (Mr. HORSFORD), who is a terrific advocate for all things Nevada.

Mr. HORSFORD. Mr. Speaker, I rise to highlight the historic investments that Ways and Means Democrats have secured in the Build Back Better Act.

For years, Americans have seen their cost of living rise while my colleagues across the aisle focused on tax cuts for the wealthy and the well-connected. At long last, with Democrats in the majority, Congress delivered a change that our constituents deserve.

As we rebound from the pandemic, I am very proud that the Build Back Better Act includes my bills to cap out-of-pocket drug costs for seniors, lower healthcare premiums for working students, and improve wages, benefits, and training for workers at nursing homes and hospitals.

I also want to acknowledge the major investments in our clean energy future. To tackle the climate crisis and create good union jobs, the Build Back Better Act includes my bills to invest in clean energy transmission and incentivize production of dynamic glass.

The Build Back Better Act will pay for itself, create millions of good-paying jobs, and lower costs for our families. And critically, through a $5 billion investment in my bill to prevent community violence, the Build Back Better Act will keep our communities safe.

Mr. Speaker, I urge this body to pass this bold investment in America.

Mr. NEAL. Mr. Speaker, I yield 1 minute to the gentleman from the Virgin Islands (Ms. PLASKETT), who is a very effective member of the Ways and Means Committee.

Ms. PLASKETT. Mr. Speaker, with the Build Back Better Act, we are investing in a strong economy. In jobs, ensuring that small businesses, families, and all of our communities can compete and succeed equitably in the 21st century.

This will tremendously benefit all districts, including districts whose Members will not vote for the bill. No doubt many of them will try to take credit for this as they stand against this transformative investment in our economic future.

Build Back Better fights inflation because it is paid for, and because it helps working people return to work, increasing supply. Build Back Better reduces the deficit, as we have seen from scoring that has been released as we developed the package.

Americans overwhelmingly support Build Back Better because the American people broadly agree we face an urgent choice between Republicans who insist on keeping the economy that serves the wealthiest and the biggest corporations or the Democrats who are giving middle-class families a hand up at achieving the American Dream.

We have millionaires and billionaires paying lower tax rates than teachers, cops, and firefighters.

Stop pretending you care about balancing the budget, the deficit, and the middle class. We saw what you cared for in the 2017 tax grab.

Mr. Speaker, vote to build back better.

Mr. BRADY, Mr. Speaker, I reserve the balance of my time.

Mr. NEAL. Mr. Speaker, I reserve the balance of my time.

MESSAGE FROM THE PRESIDENT
A message in writing from the President of the United States was communicated to the House by Mr. Adrian Swann, one of his secretaries.
YEAS—420

...and there were—yeas 420, nays 4, to pass the bill, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. TAKANO) that the House suspend the rules and pass the bill, as amended.

The vote was taken by electronic device, and there were—yeas 420, nays 4, not voting 9, as follows:

(ROLL NO. 380)

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. FALLON. Mr. Speaker, on rollcall No. 380 on the passage of H.R. 3730, to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outing Areas and Freely Associated States, and for other purposes, my "yea" vote was not recorded because I was unavoidably detained. As above presented, I would have voted "yea" on rollcall No. 380.

MEMBERS RECORDED PURSUANT TO HOUSE RESOLUTION 8, 117TH CONGRESS

LEGISLATIVE PROGRAM

(Mr. HOYER asked and was given permission to address the House for 1 minute.)

Mr. HOYER. Mr. Speaker, I yield to the gentleman from Louisiana (Mr. SCALISE), the Republican whip, for the purpose of an inquiry as to the balance of the day.

Mr. SCALISE. I thank the gentleman. As the Speaker mentioned, I yield to the gentleman from Maryland for yielding. Mr. Speaker, I would like to request that the gentle- man could let us know what the schedule is expected to be for the remainder of today.

Obviously, the reports are that there may be a CBO score today. I also want to ask the gentleman: Would it be anticipated that there would first be a CBO score before any final passage of legislation?

Mr. HOYER. Mr. Speaker, I think the gentleman from Maryland for yielding, I would like to request that the gentleman could let us know what the schedule is expected to be for the remainder of today.

Obviously, the reports are that there may be a CBO score today. I also want to ask the gentleman: Would it be anticipated that there would first be a CBO score before any final passage of legislation?

Mr. HOYER. Mr. Speaker, I think the gentleman for his question. Let me read through this so I reach every point that I think each Member needs to know.

Following the next vote, the House will stand in recess subject to the call of the Chair. As all Members know, we are waiting for some technical pursuits to be completed.

The House has completed, as I think every Member knows, all hours of the debate on the Build Back Better Act, so there will remain 10 minutes on each side prior to the passage of the Build Back Better Act.
Mr. HOYER. There would be debate on the rule, and then the 20 minutes of remaining debate on the bill itself; 10 minutes on your side and 10 minutes on our side.

I want to say, we do expect to have a full table of the score. As those of you who have pored over CBO scores, you know there is a number of pages—sometimes shorter, 15, it can be longer than that—of prose in explanation of the score. What we will have is the score itself, as I understand it, a summary table of the score. We may not have the prose by that time.

I want to make it clear to you that that is not necessary for us to pass it. It is necessary, and it will be in place, before it goes to the Senate under the reconciliation rules.

Mr. SCALISE. So for the three remaining committees, we have Ways and Means, Energy and Commerce, and Judiciary that still haven’t been scored. Would all of those be at least in a table? The remaining committees that have not been scored, would they be part of a breakdown table at a minimum, whether or not it is the more detailed version, as well?

Mr. HOYER. The Energy and Commerce has been done, so we do have that. But the other two will be in the table, correct.

Mr. SCALISE. So Ways and Means and Judiciary would also be in a table before something came?

Mr. HOYER. Yes, that is my understanding.

Mr. Speaker, I yield back the balance of my time.

TSA REACHING ACROSS NATIONALITIES, SOCIETIES AND LANGUAGES TO ADVANCE TRAVELER EDUCATION ACT

The SPEAKER pro tempore. The SPEAKER pro tempore. The SPEAKER pro tempore.

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The SPEAKER pro tempore. The SPEAKER pro tempore.

The SPEAKER pro tempore. The SPEAKER pro tempore.
So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced. If I had been present, I would have voted "aye" on H.R. 3730.
Madam Speaker, I don’t think I will surprise anyone here when I say that reconciliation can be a challenging process. The legislation we pass here must be vetted to comply with the Senate’s procedural rules so that it can be considered there as quickly as possible. This way we are here tonight, to ensure the historic Build Back Better bill can be taken up across the Capitol without delay.

There was some concern that this process might negatively impact the policies and programs contained in the legislation. But I am proud to report tonight, Madam Speaker, that this rule makes only very technical changes.

As the summary states, it makes “technical changes to narrow U.S. Code citations and references to comply with Senate procedural requirements.”

Now, let me put that in plain English, Madam Speaker. The Build Back Better Act remains virtually unchanged.

That means U.S. workers will see the establishment of the first-ever national paid family and medical leave guaranteed.

People will see the largest expansion of healthcare coverage since the Affordable Care Act was passed nearly a decade ago.

Nine million Americans will see their premiums reduced through the expansion of the premium tax credit.

Four million people who are uninsured today will have access to quality care through the closing of Medicaid’s coverage gap.

Those who take prescription drugs will see lower costs since Medicare is finally—finally—allowed to start negotiating drug prices.

The more than 25 million people who rely on insulin in this country will see the cost of insulin capped at just $35.

Families will save an average of $8,600 per child every year through the establishment of universal and free preschool for 3- and 4-year-olds.

Plants that are already out of work will see their Pell grants get a boost, and Dreamers will be eligible to receive them.

Roughly 40 million American families will see a tax cut through the extension of the child tax credit. This was first enacted in the American Rescue Plan and will help cut child poverty nearly in half.

And, yes, Madam Speaker, future generations will have a more livable planet to inherit.

We are making here to combat the climate crisis.

Now, I know this has been a long process at times. The Rules Committee has spent more than a dozen hours over multiple meetings considering this bill, and that is in addition to the work of all the other committees.

But now, Madam Speaker, the numbers have been crunched; the technical language has been vetted; and we are on the doorstep of passing this historic bill.

The Build Back Better Act is a transformational bill at a historic moment, and it is up to all of us to seize this opportunity.

I urge all of my colleagues to support this rule and advance this transformational legislation so that we can deliver for the American people.

Now, let me put that in plain English, Madam Speaker, I reserve the balance of my time.

Mr. RESCHENTHALER. Madam Speaker, I thank the distinguished gentleman from Massachusetts for yielding me the customary 30 minutes, and I yield my self such time as I may consume.

Madam Speaker, in Joe Biden’s America, 70 percent of Americans describe this economy as poor. It is not hard to see why that is.

Inflation is at a 31-year high. This makes it harder for everyday Americans to purchase everyday items. It is also wiping out wages.

Gas prices alone are at a 7-year high. American families are facing the most expensive Thanksgiving on record.

The backlog of ships that are waiting to deliver goods has grown by 43 percent since President Biden promised to fix our supply chain crisis last month. Yet, here we are, about to consider the most expensive bill in American history. We are doing this instead of addressing the real problems that are facing real Americans.

Democrats are now doubling down on their failed tax and spend policies that will make Joe Biden’s economic crisis even worse than it is now. President Biden has said: “Show me your budget, and I will tell you what you value.” Well, the bill before us today makes one thing clear: Democrats value millionaires and billionaires over blue-collar workers and American families.

The Democrats’ Big Government socialist spending spree provides tax cuts of up to $25,900 for millionaires, home buying and childcare subsidies for couples making over $200,000, and electric vehicle subsidies for couples who bring in more than half a million dollars a year.

Those are the values of my colleagues across the aisle. In total, there are $250 billion in tax breaks for the top 1 percent.

Who will be paying for the wealthy to buy a new mansion or maybe put a new Tesla in their five-car garage? That is easy. It is going to be middle-class Americans, working families who have to subsidize extravagances.

The left-leaning Tax Policy Center found this bill would raise taxes on middle-class Americans by 30 percent. That doesn’t even factor in the hidden tax of inflation that is over 6 percent.

The Democrats’ Big Government socialist spending scam is full of far-left priorities and will further fuel the highest inflation and the highest spike in prices that we have seen in four decades. Sadly, it is going to be American workers, job creators, and families who will be forced to foot this bill.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I include in the Record a November 17 Reuters article titled “Ratings agencies say Biden’s spending plans will not add to inflationary pressure.”

(Soundbite from Reuters article)

RATING AGENCIES SAY BIDEN'S SPENDING PLANS WILL NOT ADD TO INFLATIONARY PRESSURE

(From Reuters, Nov. 18, 2021)

RATING AGENCIES SAY BIDEN'S SPENDING PLANS WILL NOT ADD TO INFLATIONARY PRESSURE

[By Kanishka Singh]

U.S. President Joe Biden’s infrastructure and social spending legislation will not add to inflationary pressures in the U.S. economy, economists and analysts in leading rating agencies told Reuters on Tuesday.

Biden has spent the past few months promoting the merits of both pieces of legislation—the $1.75 trillion “Build Back Better”
plan and a separate $1 trillion infrastructure plan, read more.

The two pieces of legislation ‘should not have any real material impact on inflation’. William Dudley, president of the New York Fed and former chair of the U.S. Federal Reserve, said in a Bloomberg Television interview published on May 17.

But for me, personally, the part that can bring a smile to my face more than seeing my daughter after a day at preschool, seeing how much she has enjoyed it and how much she has learned. We are lucky to be able to send her to preschool this year. There is nothing that can be done to the Senate. Let’s get it across the finish line. And let’s deliver for the American people.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I just want to cite something. While campaigning for the White House last year, President Biden repeatedly, repeatedly stressed that he would not directly raise taxes on individuals making below $400,000. Information in an analysis by the Joint Committee on Taxation released Tuesday showed that the House version of President Biden’s bill will start raising taxes as early as 2023 on middle-class families. Additionally, tax increases fall heaviest on the lower and middle class, while the super-wealthy receive a generous tax cut until at least 2025. I know my good friend from Colorado (Mr. JORDAN), my good friend and the chair of the Ways and Means Committee to explain the amendment.

Mr. JORDAN. Madam Speaker, in 10 months we have gone from a secure border to complete chaos. We don’t have a border anymore. We don’t. We now have what Secretary Clinton said she wanted when she ran for President 5 years ago. We have a borderless hemisphere.

You don’t believe it? Just look at the numbers. March was the highest month for illegal crossings at our southern border, the highest month on record since 1986, and the highest month on record until April, and then April was the highest month on record until May.
and then May was the highest month on record until June. June was the highest month on record until July, when there were 212,000 illegal encounters on our southern border.

This past month it went all the way down to 164,000. 1.7 million this year alone. A record.

And guess what? Thousands more in a caravan are on their way. And all the terrible things that happen in these caravans are there because of the policies of the Biden administration and the Democrats who control the Federal Government.

But don’t worry. Don’t worry. Secretary Mayorkas said this, “The border is closed. The border is secure.” If the effects and what happens to kids and families on these treks wasn’t so serious, if it wasn’t so bad, you would almost have to laugh because there is no way anyone can describe the border as closed and the border as secure.

In this big spending bill, this $2 trillion of what is the Democrats’ response to that chaotic situation on our border?

Amnesty for over 6 million people who are in our country illegally. Think about that. That is their response.

Oh, don’t forget—don’t forget what the Justice Department is getting ready to do. When they are not spying on parents, when they are not treating parents as a domestic terrorist threat, our Justice Department is getting ready to do all the other illegal stuff. It is why people all across this country are just throwing their hands up. What is going on?

The cost of the immigration policies in this legislation are almost half a trillion dollars over the next 20 years. Half a trillion dollars. But, again, don’t worry, Joe Biden says that half a trillion dollars in spending on immigration policies and all the other spending in this bill is going to help the inflation problem.

There is not a rational, sane person on the planet who believes that. And why the President of the United States would make such a statement is beyond me.

Record high inflation. The highest we have had in 31 years, and Joe Biden says spending half a trillion over 20 years on immigration policies in this legislation and all the other spending in this bill is going to cost more. I mean, you can’t make this stuff up. It is why people all across this country are just throwing their hands up. What is going on?

The title also includes $4 billion for GSA to expand the use of emerging green technologies and to green Federal buildings.

I am especially pleased that we have included dedicated funding for OMB to track labor equity and environmental standards and performance. It is critical that the House pass this bill as quickly as possible. Congratulations to everyone who is supporting this critically important bill.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, we are all here to represent our constituents, and I don’t think it is a coincidence that House Democrats represent almost one of the 25 districts that benefit from the SALT tax provision. That includes Speaker PELOSI’s own district. What this is, it is a tax break for millionaires and billionaires.

Let’s just look at the tax consequences of this bill. Analysis by the nonprofit Tax Foundation found, “Over 96 percent of districts across the United States would eventually see a tax increase” because of President Biden and House Democrats’ social- insurance Big Government spending spree. Ninety-six percent of districts will have higher taxes because of that. This hurts the working and middle class.
Even the left-leaning Tax Policy Center found that President Biden's and Speaker Pelosi's spending sprees would raise taxes on middle-class Americans by 30 percent. That is 30 percent that you have to take into account when you have inflation at over 6 percent. In essence, it is a 30 percent-plus tax increase on middle-class families and working families.

This bill, though, delivers tax cuts to some people, and that is two-thirds of the country's millionaires. Two-thirds of the millionaires in the United States under this bill actually receive a tax cut.

Small businesses also get hurt. They don't get favored like millionaires and billionaires. This includes $400 billion in small business tax fixes, which some argue would take the effective tax rate of small businesses in excess of 57 percent.

Additionally, this bill hires 87,000 new IRS agents that are going to be used to audit ordinary citizens, working Americans. Nearly half of those audits will impact families earning $75,000 a year or less. About one-quarter affected will be Americans who earn just $25,000 per year. This will damage the working and middle class severely.

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This isn't just numbers. We can talk about the rates as we want, but when Americans go to Thanksgiving Day dinner, they will pay more than ever.

If you just look at how much Americans are paying, steak is up 24 percent. Bacon is up over 20 percent; fish and seafood, 11 percent; eggs, 11.8 percent. This will be the most expensive Thanksgiving Day dinner in the history of the United States, thanks to Joe Biden's economy.

Madam Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. JORDAN), my good friend and colleague.

Mr. JORDAN. Madam Speaker, I thank the gentleman for yielding.

The chairman of the Rules Committee said Republicans want to blame Joe Biden for everything. I am not blaming Joe Biden for everything; the American people are. Right-track, wrong-track polling says 71 percent of our fellow citizens think our country is on the wrong track. I am not blaming Joe Biden; they are, the people we represent.

Approval rating is 38 percent, and the Vice President's approval is 28 percent. In the history of polling for Vice President and President, I don't know if I have ever seen anything that low. It is the American people who are fed up with what they see.

The gentleman who chairs the Rules Committee said: What are they for? I will tell you what we are for. I will tell you what Republicans are for. I will tell you what American people are for. We are actually for a secure border. Imagine that.

We are for lower prices.

We actually would like to have real wages be going up like they were under President Trump.

We would like to have a secure border like we had under President Trump.

We would actually like less crime in our urban areas like we had under President Trump.

We would like to be energy independent like we were just 10 months ago. We would kind of like not to have the specious tale of the President of the United States begging OPEC to increase production at the same time your policies in this bill would discourage American companies from increasing production. What do you guys want, $6 a gallon gasoline?

I will tell you what we are for. We are for a Department of Justice that doesn't target parents, doesn't target moms and dads for standing up and saying we don't want this racist curriculum, anti-American curriculum, taught to our kids.

I will tell you what we are for. We are actually for not raising taxes on American families. That is what we are for. That is what American families want. They like to keep the money that they earn. They like to put gas in their car, buy Christmas presents for their family, afford the things that just 10 months ago they could. Ten months ago, it was so much different. That is what we are for.

Mr. MCGOVERN. Madam Speaker, I yield myself such time as I may consume.

I don't even know how to respond to all of that. I would just say to my friends that the American people had what they had to offer. When they were in the majority, we had 4 years of Donald Trump, and guess what? They voted for Joe Biden and gave him a victory by millions and millions and millions and millions of votes. So, I don't think they were revolting. I just also say to my friends who are trying to lecture us on tax policy, my Republican friends can't be serious here. You added $2 trillion to the deficit to give tax breaks to millionaires and billionaires and corporations at the expense of everyone else. It was shameful. It was shameful what my friends did.

I yield 2 minutes to the gentleman from California (Mr. TAKANO), the distinguished chairman of the Committee on Veterans' Affairs.

Mr. TAKANO. Madam Speaker, I thank the gentleman for yielding.

I rise today in support of the House Committee on Veterans' Affairs contribution to the Build Back Better Act of 2021.

The committee has an important responsibility to advance measures that support veterans and honor their service and sacrifice, as well as that of their families, caregivers, and survivors.

Last week, we celebrated Veterans Day. The Build Back Better Act is the perfect way to continue to show our gratitude with concrete, meaningful investment for all veterans.

By making this critical investment at the VA, we can start rebuilding VA's capacity in terms of brick-and-mortar infrastructure, human capital, and support structures that serve our Nation's veterans.

Now, I have a difficult time believing my colleagues across the aisle think that veterans are unworthy of this investment. The fact is, veterans from Louisiana, Beaufort, South Carolina, and from Columbia, Missouri, to Clarksville, Tennessee, are among the districts that stand to gain directly from these resources.

The most important piece of this legislation is the $1.8 billion for medical facility leases that fixes a longstanding backlog of lease authorizations. Take a look at VA's budget book, at the leases that are on that list. You will see it largely benefits Republican districts. Do my Republican colleagues not want to help veterans and their families in their districts? I don't believe that for one moment. I know that they will attend the ribbon-cutting ceremonies, though, when this bill is passed into law and issue press releases when these facilities open.

Voting against this legislation would not only mean turning our backs on our most sacred promise to our Nation's veterans, but it would be a striking departure for many of my Republican colleagues who have long advocated for these investments.

As demand for care and services at VA continue to grow, the lack of purposeful, usable clinic space will hurt veterans, including women veterans, because clinic spaces are not designed for them. A lack of access to healthcare providers will hurt veterans because we simply don't have enough providers in this country. Making investments in the next generation of healthcare providers is just common sense.

I will end by saying nearly three-fourths of the American people agree that it is time to update VA's infrastructure. The Build Back Better Act gives us the framework to do just that.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

My friend and colleague from Massachusetts was talking about taxes. I will stand here and talk about taxes all day because, at the end of the night, the American people will see that the second-biggest provision in this bill is actually a tax break to millionaires and billionaires.

Facts are facts. If you look at it, the Committee for Responsible Federal Budgets found that the SALT tax carve-out would be nearly 50 times as large as the benefit of the expanded child tax credits for a typical family over 10 years. SALT gives tax breaks to millionaires and billionaires in blue States. Who pays for that? Working families all over the United States.
Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from Louisiana (Mr. CARTER).

Mr. CARTER of Louisiana. This is our moment to finally invest in our children.

We need to prove to the people that the government works for them, not just for those on top.

Build Back Better lowers family healthcare costs by strengthening the ACA, capping the price on insulin, adding in hearing benefits for Medicare, and much more.

This bill would be transformative for American families. With the child tax credit, childcare, and affordable, high-quality preschool, our Nation will finally invest in our children.

We must address the climate crisis, and we can’t leave any community behind. Our health, our culture, and our economy depend on it.

We cannot wait another day to build back better for the working families of America. Let’s start now.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

One thing we need to address here also is the tax on natural gas. This will increase nearly everything everyday Americans buy.

We already know that there are projections that people will be paying more than twice as much to heat their homes, almost a 50 percent increase in some places.

If you look at the fees in this bill, the taxes, a $900 methane fee phases into $1.500 in production per metric ton. That just sounds like numbers, but think about it. If we are taxing natural gas, we are taxing Americans who use natural gas to heat their homes. We are taxing the industries that use petrochemicals to manufacture everyday products that we use and manufacture here in the United States. And consumers end up paying that tax, as well.

We are also making it more expensive to manufacture here in the United States because as you tax natural gas, it costs more to manufacture goods here at home. Again, the American consumer will end up paying this tax.

These taxes on natural gas will do nothing more than make it harder for Americans to heat their homes. It will make more expensive for us to manufacture products, to pay for petrochemicals. It will make it harder for us to actually rebuild the economy.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentleman from New York (Mr. JONES).

Mr. JONES. Madam Speaker, I am so proud to have played a leading role in securing high-quality, affordable childcare for every family in America in the Build Back Better Act.

This policy is personal for me. Growing up, I was raised by a single mom who had to work multiple jobs just to make ends meet. She got help raising me from my grandparents. My grandmother cleaned homes, and when daycare was too expensive, she had to take me to work with her.

Madam Speaker, no family in America, no child in America, should have to accommodate their guardian to work because childcare is too expensive, certainly not in the richest nation in the history of the world. That is why we are investing nearly $400 billion in childcare and early learning programs to ensure that we solve this affordability crisis.

The childcare provisions will transform our childcare system and help bring unemployed parents back into the workforce without them being financially burdened.

For these reasons and so many more, I urge my colleagues to vote “yes” on this historic legislation.

Mr. RESCHENTHALER. Madam Speaker, I yield 2 minutes to the gentleman from Pennsylvania for yielding.

Madam Speaker, this monstrosity of a bill is the most progressive and expensive piece of legislation in our Nation’s history. It will fundamentally alter the course of our great Nation by codifying the far left’s dangerous policies, such as components of the Green New Deal, taxpayer-funded abortion, and the weaponization of the IRS.

In fulfilling the far left’s wish list, this bankrupts America. And it does so, Madam Speaker, all while Americans are reeling from record-high rates of inflation that are crippling their pocketbooks, emptying shelves at the supermarket, and making gasoline prices skyrocket.

This compounded with the fact that the Biden administration refuses to address the myriad of crises plaguing America and the country, I am convinced that my counterparts on the other side of the aisle have no desire to set America up to succeed, nor are they interested in embracing the freedoms that we know and love, the very freedoms that serve as the foundational underpinnings of our great democracy.

No, this bill moves us not just one step toward socialism, it propels us into Big Government socialism. That is because this bill provides a Universal Childcare from birth to the tune of nearly $400 billion, both of which are great opportunities for Washington-controlled curriculums and bureaucrats to indoctrinate our children in the most developmental years.

$80 billion to double the size of the Internal Revenue Service, further weaponizing the agency and targeting hardworking American taxpayers. That should frighten every one of us.

$100 billion to establish a backdoor amnesty program that will give 5-year renewable visas to millions of individuals illegally residing in the United States.

The child tax credit to those who enter the United States illegally by dropping the current law requirement for a Social Security number.

$550 billion for the Green New Deal, including billions for a new climate green bank, environmental and climate justice grants, and the United States Postal Service to convert to an electric vehicle fleet.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. RESCHENTHALER. Madam Speaker, I yield an additional 1 minute to the gentleman.

Mr. CLYDE. And $12.5 billion for tree equity and radical environmental justice initiatives.

That is right, this bill leaves us knocking on the door of Big Government socialism.

My constituents sent me to Washington, D.C., to protect and secure their freedoms and to put Americans first, not last, and I look forward to voting “no” on this travesty of a bill.

I encourage all of my colleagues to also vote “no” on this Big Government socialism bill.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from New Mexico (Ms. STANSBURY).

Ms. STANSBURY. Madam Speaker, I want to take a moment this evening to dedicate my remarks to my dear friends Jon Baran, Caitie Padilla, and their beautiful daughter, Sophie. This week, we celebrated the signing of the bipartisan infrastructure bill. Now, it is time to pass the other half of the President’s agenda to ensure that our families and our communities can build a brighter, more just, more equitable, and more sustainable future.

As a proud daughter of New Mexico, I represent the strong, beautiful, resilient people of New Mexico’s First Congressional District. Over the pandemic, we have had every ounce of our grit, our determination, and our heart to get by. Yet, so many families are still struggling.

That is why we must pass the Build Back Better Act and why it is a must-pass bill for New Mexico.

We must invest in healthcare and community well-being. We must invest in universal pre-K. We must invest in childcare and caring for our elders.

The SPEAKER pro tempore. The time of the gentlewoman has expired.

Mr. MCGOVERN. Madam Speaker, I yield an additional 30 seconds to the gentlewoman.

Ms. STANSBURY. Madam Speaker, we must invest in addressing global climate change because that is our charge. Our communities are counting on us, and that is why we must deliver this bill tonight.

Mr. RESCHENTHALER. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, I have heard a lot tonight about pharmaceuticals. This bill implements socialist price control...
schemes for prescription drugs that will actually negatively impact seniors and negatively impact patients and those who have rare diseases in their families.

There seems to be a fundamental misunderstanding about this industry. On average, it costs $2.6 billion to take a drug to market. We, for whatever reason, focus on the cost per each dose. By the way, petrochemicals are used to make our pharmaceuticals, which this bill also taxes, as I said before. But there is a fundamental misunderstanding in how drugs are produced. If we get these socialist price controls in this bill, it will actually kill our innovation, or deincentivize any pharmaceutical company to actually reinvest and invest in new drugs and prescriptions, which will actually harm those with rare diseases and make it harder for those that are suffering from mental conditions to get the drugs they need.

Madam Speaker. I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, let's be clear. My friends are saying that putting a cap on the cost of insulin is somehow socialism or undercutting the values of American healthcare. Give me a break. Talk to parents whose children have diabetes and how they anguish over the costs and how they worry about how their children will be able to support the cost of their prescriptions once they become 26 and are no longer on their parents' healthcare.

So let's get real. This is a debate about values. We are on the side of putting a cap on the cost of insulin so that diabetes patients aren't gouged like they are now.

Madam Speaker, I yield 1 minute to the gentlewoman from Nevada (Ms. TITUS).

Ms. TITUS. Madam Speaker. Democrats know that genuine recovery from this pandemic means more than returning to the status quo ante.

Earlier this week, we made long overdue investments in our infrastructure. Now with the Build Back Better Act, we can expand healthcare coverage and lower costs. We can provide families with access to affordable childcare and universal preschool. We can reduce housing costs. We can cut taxes for working people while making the wealthiest pay their fair share; and we can make the greatest effort in American history towards combating climate change.

How we choose to invest our resources is a reflection of our values. The previous administration prioritized spending $2 trillion to bilionnaires and big corporations.

Let us instead invest in American workers and families and pass this Build Back Better Act now.

Mr. RESCHENTHALER. Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the gentlewoman from Pennsylvania (Ms. SCANLON), a distinguished member of the Committee on Rules.

Ms. SCANLON. Madam Speaker, for decades Congress has based economic policy on trickle-down economics, eviscerating America's middle class in the process. It is time we sustain another recession. The Build Back Better Act invests in American families, not hedge funds, in ways that will benefit all of us.

I would mention two investments of particular importance to my district in Pennsylvania: Children and veterans.

This bill builds upon the American Rescue Plan that we passed in March to expand benefits for families and support for childcare. In doing so, it will reduce child poverty more and produce generational benefits to our country. The bill also makes long, overdue investments in the aging infrastructure of our Veterans Administration; including upgrading medical facilities and expanding long-term care services, which are required for veterans and their families to obtain the benefits our Nation has promised to them.

With this bill, we can create real, sustained economic growth that benefits all Americans, and I am proud to support it.

Mr. RESCHENTHALER. Madam Speaker, I would just note that this bill does not include the Hyde amendment, which will allow taxpayer dollars to be used to fund on-demand abortions.

Madam Speaker, I reserve the balance of my time.

Mr. MCGOVERN. Madam Speaker, I yield 1 minute to the distinguished gentleman from Texas (Ms. JACKSON LEE).

Ms. JACKSON LEE. Madam Speaker, in this season of giving, as we sit down to our Thanksgiving table, I hope the American people will know that we have not lifted our corporate foot that is insistent on raising the price of goods. We presented to them the Build Back Better Act.

And for those nay-sayers who want to talk about inflation, Mark Zandi said, "The bills do not add to inflation pressures, as the policies help to lift long-term economic growth via stronger productivity and labor force growth," that is from one of the renowned economists in this Nation.

Madam Speaker, what I am fighting for is to make sure that Perla Rosalez in Texas has health insurance for the first time in decades. I remember that I cried when we were not able to give all of these uninsured persons insurance. We are giving them health insurance and we also—as chairwoman of the Subcommittee on Crime, Terrorism, Homeland Security, and Investigations—are giving community violence dollars to stop the violence.

Madam Speaker, this is a bill we should pass. Support the Build Back Better bill for the American people.

Mr. RESCHENTHALER. Madam Speaker, while I have tremendous respect for my colleague from Texas, I do not want to point out that according to Moody’s Analytics, consumer prices will rise 2.24 percent higher after the Biden infrastructure and the American Rescue Plan and the Build Back Better spending spree then in a Biden-free economy.

Mr. MCGOVERN. Madam Speaker, I yield 1 ½ minutes to the gentleman from Virginia (Mr. CONNOLLY).

Mr. CONNOLLY. Madam Speaker, I think my friend, Mr. MCGOVERN, for yielding.

Madam Speaker, when I served in local government, I helped to write and pass 14 consecutive budgets. If I learned one thing from that process, it is that budgets are statements of values. When Republicans last used the budget reconciliation process, it was to pass a $2 trillion tax giveaway to the wealthy. Before that, they used it to rip healthcare away from more than 20 million Americans. They stated their values loudly and clearly. The Build Back Better Act prioritizes handing $2 trillion to billionaires and big corporations.

Well, here are our values in this bill. We value working Americans, and are using reconciliation to cut their taxes; not the rich. We value American children and parents, and are using reconciliation drastically to lower childcare costs, provide paid family leave, and guarantee access to pre-school. We value the health and well-being of the American people, and are using reconciliation to expand access to vital health services, especially for our seniors. And we value our environment, and are using reconciliation to make the single largest investment in the fight against climate change in history.

These are our values. This is how we build back a better America, not only for the rich and well-connected, but for all Americans.

Madam Speaker, I urge the passage of this important investment in our future.

Mr. RESCHENTHALER. Madam Speaker, I think it should be noted that this bill actually impedes and bans domestic energy and mineral production, which will actually increase our dependencies on resource suppliers, from OPEC, Russia, and China. I just think that should be noted.

Madam Speaker, I yield 2 minutes to the gentlewoman from Florida (Mrs. CAMMACK), my good friend and colleague.

Mrs. CAMMACK. Madam Speaker, I thank my good friend from Pennsylvania (Mr. RESCHENTHALER) for yielding.

Madam Speaker, I am going to read a statement from one of my Democratic colleagues here today.

"Because of last-minute late-night changes to the latest version of the Build Back Better Act, two-thirds of millionaires would get a big tax cut for the next 5 years under the bill. That is one reason that I refuse to vote for the bill without time to review the changes made to it a little over a week ago. Now we know. The tax benefits to
Madam Speaker, 10 years ago, I, myself, was homeless, and under this bill, had these programs been in place, I probably would have never been able to be standing here today because the American Dream is bankrupted under this bill.

Madam Speaker, I urge every single one of my colleagues, think with your heart and your heads rather than the political agenda that you have been tasked with executing. Vote for the American people.

Mr. McGovern. Madam Speaker, I yield myself such time as I may consume.

Madam Speaker, you have to love these Republicans. They get up and talk about everything but what is in this Build Back Better bill. When all else fails, they get out and they bash immigrants again, blame immigrants for everything.

Having a tough time at work? Well, blame an immigrant.

Having a problem with your marriage? Well, blame immigrants.

But the bottom line is, they come to the floor and they tell us what they are against but they don’t tell us what they are for. This bill includes an extension of the child tax credit, which has already reduced child poverty in this country by 30 percent. They are against that? We are for that.

This bill actually caps the cost of insulin to $35 a month. Talk to your constituents who have to rely on insulin to save the lives of their children. I mean, really? You are against that? We are for that.

We actually care about our children’s future. That is why there is money in here to deal with the climate crisis; while my friends deny that there is even a climate crisis to be concerned about.

So give me a break. Give me a break. This is a statement of our values. This is what we are for. We don’t hear what they are for. All we hear is what they are against.

Madam Speaker, I yield 1 minute to the gentleman from Florida (Mr. Soto).


Providing nearly 1 million Floridians with an expansion of the AGA, boosting affordable housing, immigration reform, the largest effort to combat climate change in history.

And unlike the GOP tax scam that busted the deficit by $400 billion and $4 trillion in debt, we pay for ours with major corporations, and the wealthy paying their fair share.

Madam Speaker, the Republicans are doing nothing but divide. The Democrats are delivering for America.

Mr. Reschenthaler. Madam Speaker, I yield myself the balance of my time.

Madam Speaker, with record high inflation and gas prices, supply chain shortages, and what is going to be the most expensive Thanksgiving on record, Democrats should focus on addressing real economic crises that are facing real Americans and real American workers every day. But instead, this bill before us would actually double lower- and middle-income earners chances of being audited. It would make it more expensive for them to heat their homes and fill their gas tanks, and it will actually drive businesses and jobs overseas; further damaging our economy.

Democrats are extending tax breaks in this bill, extending tax breaks for millionaires and billionaires and jamming through far-left radical policies that will only drive prices higher and make our paychecks lower.

If President Biden and congressional Democrats get their way, average Americans will be pinching pennies while our country’s coastal elites will be legally evading taxes and getting tax subsidies and tax breaks to put another Tesla in their five-car garage.

Madam Speaker, for that reason, I urge my colleagues to vote “no,” and I yield back the balance of my time.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker’s table and referred as follows:

EC–2693. A letter from the Assistant General Counsel, Ethics and Appeals Division, Department of Housing and Urban Development, transmitting (23) twenty-three notifications of a nomination, designation of acting officer, action on nomination, vacancy, or discontinuation of service in acting role, pursuant to 5 U.S.C. 3349(a); Public Law 105–277, Sec. 151(b); (112 Stat. 2631–614); to the Committee on Oversight and Reform.

EC–2694. A letter from the Director, Office of Congressional and Intergovernmental Affairs, Department of the Interior, States, transmitting one nomination, pursuant to 5 U.S.C. 3349(a); Public Law 105–277, Sec. 151(b); (112 Stat. 2631–614); to the Committee on Oversight and Reform.

EC–2695. A letter from the Senior Advisor, Department of Health and Human Services, transmitting one designation of acting officer, pursuant to 5 U.S.C. 3349(a); Public Law 105–277, Sec. 151(b); (112 Stat. 2631–614); to the Committee on Oversight and Reform.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. McGovern: Committee on Rules. House Resolution 803. Resolution providing for further consideration of the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14 (Rept. 117–175). Referred to the House Calendar.

TIME LIMITATION OF REFERRED BILLS

Pursuant to clause 2 of rule XII, the following actions were taken by the Speaker:


H.R. 4374. Referral to the Committee on Energy and Commerce extended for a period ending not later than December 3, 2021.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and separately referred, as follows:

By Mr. Kim of New Jersey (for himself and Mr. Meijer):
H.R. 6014. A bill to establish a commission to study the war in Afghanistan; to the Committee on Foreign Affairs, and in addition to the Committees on Armed Services, and Intelligence (Permanent Select), for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. LOIS FRANKEL of Florida (for herself, Mr. Wilson of South Carolina, Mr. HILDEBRANDT, Mr. McGovern, Mr. Smith of New Jersey, Mr. FITZPATRICK, Mr. RYAN, Mr. MANN, Mr. LOWENTHAL, Mr. SOUZI, Mr. FORFAIT, Mr. FLORIDA, Mr. ELLEZLY, Ms. SALAZAR, Mr. KHANNA, Mr. DIAZ-BALART, Mrs. MILLER-MEKEES, Ms. CASTOR of Florida, Mr. TUMULSKIS, Mr. CARSON, Mr. VARGAS, Mr. GOTTTHMRE, Mrs. LURIA, Mrs. CAROLYN B. MALONEY of New York, Ms. NORTON, Mr. ROGERS of Kentucky, Ms. WILSON of Florida, Mr. SOTO, Ms. BONAMICI of Oregon, Ms. MENG, and Mr. CICILLINE).

H.R. 6015. A bill to award a Congressional Gold Medal to Benjamin Bercel Firek, in recognition of his service to the United States and international community during the post-World War II Nuremberg trials and lifetimes of international civil rights, justice and rule of law; to the Committee on Financial Services, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. COMER (for himself, Mr. CLOUD, Ms. HERRELL, Mr. KELLER, Mr. GOSS, Mr. HIGGINS of Louisiana, Mr. HOPKINS, Mr. GROTHMAN, Mr. FALLON, Mr. LATURNER, Mr. C. SCOTT FRANKLIN of Florida, Mr. HICK of Georgia, Mr. SMUCKER, Mr. GIBBS, Mr. SESSIONS, Ms. MACE, Mr. BOST, Mr. FIENSTRA, Mr. MCKINLEY, Mr. WEISS of Texas, Mr. NORMAN, Ms. FOXX, Mr. BIGGS, Mrs. MILLER of Illinois, Ms. MILLER-MEKEES, Mr. WALBERG, Mr. JORDAN, Mr. DONALDS, Mr. WEBSTER of Florida, Mr. CRAWFORD, Mr. AMODEI, Mr. SMITH of Missouri, Mr. ORR, Mr. GREGG of Kentucky, Mr. LOCKE, Mr. ROYCE, Ms. MALVEAUX of Louisiana, Mr. BRIDGES, Mr. KOCH, Mr. STOKESBY, Mr. PERRY, Mr. NORMAN, Mr. ROYCE, Mr. MILLER of Missouri, Mr. CRAWFORD, Mr. AMODEI, Mr. JENSEN, Ms. CARSON, Mr. BUCK, Mr. ROUZER, Mr. RENCHENTHALER, Mr. GUTHRIE, Mr. LUECKEMEYER, Mr. CLINE, Mr. WITTMAN, Mr. MILLATIKIS, Mr. GUEST, Mr. MCCINTOCK, Mr. MALAFAL, and Mr. MAST.

H.R. 6016. A bill to prohibit executive agencies from requiring employees to receive a vaccination against infection by the SARS-CoV-2 virus under Federal contracts, and for other purposes; to the Committee on Oversight and Reform.

By Mr. BANKS (for himself, Mr. GOOD of Virginia, Mrs. CAMAK, Mrs. MILLER of Illinois, Mr. DUNCAN, Mr. FALLON, Mr. ROUZER, Mr. MURPHY of North Carolina, Mr. BISHOP of North Carolina, Mr. JACKSON, Ms. DEVENISH, Mr. BARIN, Mr. PERRY, Mr. POSEY, Mr. CAUTHORN, Mr. JOYCE of Pennsylvania, Mr. CLINE, Mr. WEBSTER of Florida, Mr. MAST, Mr. ADERSHOLT, Mr. PALAZZO, Mr. GUEST, and Mr. SMITH of New Jersey).

H.R. 6017. A bill to prohibit certain COVID-19 vaccines from containing certain products; to the Committee on Energy and Commerce.

By Mr. BARR (for himself, Mr. WILLIAMS of Texas, Mr. ROY, Mr. STEIL, and Mr. ROYCE).
determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. JACOBS of California (for herself and Mr. KINZINGER):
H.R. 6034. A bill to amend the Diplomatic Security Act of 1986 to empower diplomats to pursue the national security interests of the United States against threats to their personal security and to establish a diplomatic humanitarian postgraduate fellowship program.

By Mr. LAHOOD (for himself, Mr. ROONEY DAVIS of Illinois, Mrs. BUSTOS, Mr. CASTEN, Mr. BOST, Mr. QUEBLEY, Mr. KRISHNA MOORTHY, Ms. KELLY of Tennessee, Mr. BEEN, Mr. SANDERS, Mr. RUSH, and Mr. KINZINGER):
H.R. 6035. A bill to amend the Consolidated Natural Resources Act of 2008 to extend the authority of the United States Postal Service located at 11 Robert Smalls Parkway Suite C, Beaufort, South Carolina, as the “Robert Smalls Post Office”;
To the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CUBYRN, and Mr. RICE of South Carolina):
H.R. 6039. A bill to designate the facility of the United States Postal Service located at 501 Charles Street in Beaufort, South Carolina, as the “Charles E. Fraser Post Office Building”; to the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CUBYRN, and Mr. RICE of South Carolina):
H.R. 6042. A bill to make Federal provisions as fall within the jurisdiction of the committee concerned.

By Mr. SMITH of New Jersey:
H.R. 6037. A bill to prohibit the Director of the Small Business Administration from directly making loans under the 7(a) loan program, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. LUETKEMEYER (for himself, Mr. WILLIAMS of Texas, Mr. HAGDON, Mr. STAUBER, Mr. MEUSER, Ms. TIEBERG, Mr. GARRABIN, Mr. CAMP, Ms. DUANE, Mr. DONALDS, Ms. SALAZAR, and Mr. FITZGERALD):
H.R. 6038. A bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Oversight and Reform.

By Mr. LUETKEMEYER (for himself, Mrs. WAGNER, Mr. ZELDIN, Mr. BARR, Mr. TIMMONS, Mr. WILLIAMS of Texas, Mr. BUDT, Mr. EMKEM, Mr. LOUDERMILK, Mr. DAVIDSON, Mr. KUSTOFF, Mr. HUIZENGA, Mr. STEIL, Mr. MOONEY, Mr. GOODEN of Texas, Mr. POSEY, and Mr. SESSIONS):
H.R. 6038. A bill to require Senate confirmation of Inspector General of the Bureau of Consumer Financial Protection, and for other purposes; to the Committee on Oversight and Reform, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CUBYRN, and Mr. RICE of South Carolina):
H.R. 6039. A bill to designate the facility of the United States Postal Service located at 501 Charles Street in Beaufort, South Carolina, as the “Harriet Tubman Post Office Building”; to the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CUBYRN, and Mr. RICE of South Carolina):
H.R. 6040. A bill to designate the facility of the United States Postal Service located at 501 Charles Street in Beaufort, South Carolina, as the “Robert Smalls Post Office”; to the Committee on Oversight and Reform.

By Ms. MACE (for herself, Mr. WILSON of South Carolina, Mr. DUNCAN, Mr. TIMMONS, Mr. NORMAN, Mr. CUBYRN, and Mr. RICE of South Carolina):
H.R. 6040. A bill to designate the facility of the United States Postal Service located at 11 Robert Smalls Parkway Suite C, in Beaufort, South Carolina, as the “Robert Smalls Post Office”;
To the Committee on Oversight and Reform.

By Ms. TLAIB (for herself, Mr. GARCIA of Illinois, Ms. OCASIO-CORTZ, Ms. PRESSLEY, Ms. NORTON, Ms. VELAZQUEZ, Mr. MPUHSE, Ms. JACKSON Lee, Mr. BASS, Mrs. CAROLYN B. MALONEY of New York, Ms. LEE of California, Mrs. DINGELL, and Ms. CLARK of New York):
H.R. 6036. A bill to require the Secretary of Veterans Affairs to require the employees of the Department of Veterans Affairs to receive training in racial equity from the Director General of the Department on reporting wrongdoing to, responding to requests from, and cooperating with the Office of Inspector General, and for other purposes; to the Committee on Ways and Means.

By Ms. UNDERWOOD (for herself and Mr. MCKINLEY):
H.R. 6038. A bill to require the Secretary of Veterans Affairs to require the employees of the Department of Veterans Affairs to receive training in racial equity from the Director General of the Department on reporting wrongdoing to, responding to requests from, and cooperating with the Office of Inspector General, and for other purposes; to the Committee on Ways and Means.

By Mr. VELA:
H.R. 6035. A bill to amend the Equal Credit Opportunity Act to prohibit discrimination based on an applicant’s institution of higher education, and for other purposes; to the Committee on Financial Services.

By Ms. VELAZQUEZ (for herself, Mr. TLAIB, Mr. MCCOLLUM, Mr. DANNY K. DAVIS of Illinois, and Ms. GARCIA of Texas):
H.R. 6035. A bill to provide that chapter 123 of title 1 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrolment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education; to the Committee on Education and Labor, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. BURCHEETT:
H.J. Res. 66. A resolution proposing an amendment to the Constitution of the United States to limit the number of terms that a Member of Congress may serve; to the Committee on the Judiciary.

By Mr. WITTMAN (for himself, Mr. MCGOVERN, Ms. ROYBAL-ALLARD, and Mr. SIMPSON):
H. Con. Res. 62. Concurrent resolution expressing the sense of Congress that public health professionals should be commended for their dedication and service to the United States Public Health Thank You Day, November 22, 2021; to the Committee on Energy and Commerce.

By Mr. BABIN:
H. Res. 804. A resolution to declare that space launch is a developmental activity, not a form of transportation, and that a process exists for investigating commercial space launch regulatory activities; in the Committee on Science, Space, and Technology.

By Mr. BANKS (for himself, Mr. MANN, Mr. SMITH of Washington, Mr. SCHUMBERG, Mr. KATKO, Mr. MOONEY, Mr. ROSENDALE, Mrs. MILLER-MEEKS, Mr. CARL, Mr. BASS, Mr. BOST, Mr. GOHDE, Mr. CASTER, Mr. STEGEHEN, Mr. VELAZQUEZ, Mr. GOWE, Mr. VELAZQUEZ, Mr. GOWE, Mr. SMITH of New York, Mr. WICKER, Mr. ZELDIN, Mr. SCHUMBERG, Ms. UNDERWOOD, Mr. CARL, Mr. RICE of South Carolina, Mr. TIMMONS, Mr. NORMAN, Mr. CUBYRN, and Mr. RICE of South Carolina):
H. Res. 805. A resolution amending the Rules of the House of Representatives to require a witness who appears before any committee of the House of Representatives in a non-governmental capacity to disclose certain amounts received from the Federal government or a foreign government or certain foreign entities, or for other purposes; to the Committee on Rules.

By Mr. COHEN (for himself and Mr. Wilson of South Carolina):

H. Res. 806. A resolution expressing the sense of the House of Representatives that any attempt by the President of the Russian Federation Vladimir Putin to remain in office beyond May 7, 2024, shall warrant non-recognition on the part of the United States; to the Committee on Foreign Affairs.

By Mr. COSTA (for himself, Mr. McGovern, Ms. Cicilline, Mr. Valadão, Mrs. Trahan, Mr. Vargas, Mr. Auchincloss, and Mr. Peters):

H. Res. 807. A resolution honoring the humanitarian work of Dr. Aristides de Sousa Mendes do Amaral e Abranches to save the lives of Spanish Jews and other persons during the Holocaust; to the Committee on Foreign Affairs.

By Ms. CRAIG (for herself, Ms. McCollum, and Mrs. Fischbach):

H. Res. 808. A resolution designating November 17, 2021, as “National Butter Day”; to the Committee on Energy and Commerce.

By Mr. DANNY K. DAVIS of Illinois:

H. Res. 809. A resolution supporting the designation of the third week of November, November 14 to November 20, 2021, as “TED Awareness Week”; to the Committee on Energy and Commerce.

By Ms. DeGETTE (for herself, Mr. Reed, Mr. Ruiz, Mr. Kelly of Pennsylvania, and Ms. DelBene):

H. Res. 810. A resolution supporting the goals and ideals of American Diabetes Month; to the Committee on Education and Commerce.

By Mr. EMMER:

H. Res. 811. A resolution expressing support for the designation of November 18, 2021, as “National Rural Mental Health Day”; to the Committee on Energy and Commerce, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. LANGEVIN (for himself, Mr. Peltermutter, Mr. Curtis, and Ms. Stefanik):

H. Res. 812. A resolution supporting a diplomatic boycott of the XXIV Olympic Winter Games and XIII Paralympic Winter Games in Beijing, and encouraging the International Olympic Committee to adopt a framework for reprimanding or disqualifying host countries that are committing mass atrocities; to the Committee on Foreign Affairs.

By Ms. LEE of California (for herself, Miss GONZÁLEZ-COLON, Mr. McGovern, Mr. Fitzpatrick, Ms. Williams of Georgia, Mr. Connolly, Mrs. Carol- lina of New York, Mr. Pressley, Ms. Moore of Wisconsin, Mrs. Watson Coleman, Mr. Cicilline, Mr. Khanna, Mr. Cleaver, Mr. Salazar, Ms. Sánchez, Ms. Sewell, Mr. Deutch, Mr. Cohen, Mr. Price of North Carolina, Mr. BACON, Mr. Barragan, and Mr. Gualiva):

H. Res. 813. A resolution supporting the goals of World AIDS Day; to the Committee on Energy and Commerce, in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. NEWMAN (for herself, Ms. Weston, Ms. Jayapal, Ms. Schaff, Mr. Quigley, Ms. M. WILD, Mr. Higgins of New York, Mr. Payne, Mr. Moulton, Mr. Espaillat, Ms. Jacobs of California, Ms. Norton, Mr. Davis, Mr. Vränemäki, Mr. Bonamici, Mr. Pallone, Mr. Auchincloss, Mr. DANNY K. DAVIS of Illinois, Mrs. Carolyne B. Maloney of New York, Mr. Golia, Mr. Swalwell, Mr. Cicilline, Mr. Gomez, Mr. Crist, Mrs. Watson Coleman, Ms. Davids of Kansas, Mr. Khanna, Ms. MENG, Mr. Bowman, Ms. Leger Fernandez, Mr. Takano, Mr. Torres of New York, Mr. Berman, Mr. EVANS, Mr. Pappas, Mr. Lasker, Mr. Eshoo, Mr. NEUSE, Ms. Sánchez, Ms. Scanlon, Mr. Kahele, Mr. Aguilar, Mr. Trone, Mr. SEAN PATRICK MALONEY of New York, Mr. Deutch, Mr. Gallego, Mr. Tonko, Ms. Williams of Georgia, Mr. Lynch, Mr. Malinowski, Mr. Kildee, Ms. Lee of California, Ms. DelBene, Mr. Welch, Ms. Adams, Mr. DOOGERT, Mr. LEVIN of Michigan, Mr. K baskets, Mr. García of Illinois, Ms. Clark of Massachusetts, Ms. McCollum, and Mr. Carson):

H. Res. 814. A resolution supporting the goals and principles of Transgender Day of Remembrance of memorializing the lives lost this year to antitransgender violence; to the Committee on the Judiciary.

By Mr. O’HALLERAN (for himself, Mr. COLE, Mrs. AXNÉ, Mr. McKinley, Mr. BOST, Mr. Pappas, Mrs. Hinson, Mr. Bishop of Georgia, Ms. Craig, Mr. Gualivallav, Ms. Sewell, Mr. KELLER, Mr. PAKANZKA, Mr. MCRAE, Ms. LaHOOD, Mrs. Murphy of Florida, Mr. Smith of Nebraska, Mr. Fitzpatrick, Mr. KINZINGER, Mr. NEWHOUSE, Mr. SCHUMACHER, Mr. LUCAS, Mr. BARTH, Mr. RUPP, Mr. CRAWFORD, Mr. MULLIN, Mr. BACON, Mr. JOYCE of Ohio, Mr. LUCEMBOY, Mr. KEEN, Mr. REED, Mr. MOONEY, Mr. Valadão, Mrs. Chir- ney, Mr. DeFAZIO, Mrs. MILLER- ZERRSKER, Mr. THOMPSON of Pennsylvania, Mr. RICE of South Carolina, Mr. BERKOMAN, Ms. SPANNERBERG, Mrs. BICH of Oklahoma, Ms. Schirrer, Mrs. BUSTOS, Ms. STEFANIK, Mr. CUELLAR, and Mr. DUNN):

H. Res. 815. A resolution supporting the goals and ideals of National Rural Health Day; to the Committee on Energy and Commerce.

By Ms. RICE of New York (for herself, Mr. Fitzpatrick, Mr. JOHNSON of Ohio, Mr. CLEAVEN, Ms. Bonamici, Mr. Moulton, Mr. NORTON, Mr. David Scott of Georgia, Mrs. Lawrence, Ms. Craig, Mr. CHOW, Mrs. AXNE, Mr. CARDENAS, Mr. TAKANO, Mr. FITZERS, Mr. RYAN, Mr. CARSON, Mr. Kilmer, Mr. NOCHROCK, Mrs. HAYES, Mrs. CAROLYN B. MALONEY of New York, Mr. Wilson of Florida, Mr. Brown of Maryland, and Mr. Langevin):

H. Res. 816. A resolution supporting the designation of the week beginning November 15, 2021, as “National Apprenticeship Week”; to the Committee on Education and Labor.

By Mr. SMITH of Washington (for himself, Ms. ADERHOLT, Mr. FITZPATRICK, Mr. CONRAN, Mr. LANSEVIN, Mr. SCANLON, Mr. DANNY K. DAVIS of Illinois, Mr. POCAK, Mr. McHENRY, Ms. BASS, Mrs. BEATTY, Mr. LOWENTHAL, Mr. GROTHMAN, Mr. PERLMUTTER, Mr. BARRAGAN, Mr. BACON, Mr. MOORE of Alabama, and Mr. MULLIN):

H. Res. 817. A resolution expressing support for the goals of National Adoption Month and National Adoption Day by promoting national awareness of adoption and the children waiting for adoption, celebrating children and families involved in adoption, and encouraging the people of the United States to secure safety, permanency, and well-being for all children; to the Committee on Educa- tion and Labor.

By Mr. STAUBER (for himself and Mr. BERGOMAN):

H. Res. 818. A resolution expressing support for shipping on the Great Lakes and the potential for international container ship commerce; to the Committee on Transportation and Infrastructure, and in addition to the Committee on Foreign Affairs, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. TENNEY (for herself, Mr. PERRY, and Mr. GUEST):

H. Res. 819. A resolution amending the Rules of the House of Representatives to establish a maximum time for certain record votes and quorum calls; to the Committee on Rules.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. Kim of New Jersey:

H.R. 6014.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution (Page H243)

By Ms. LOIS FRANKEL of Florida:

H.R. 6015.

Congress has the power to enact this legisla- tion pursuant to the following:

Article I, Section 8 of the U.S. Constitution

By Mr. COMER:

H.R. 6016.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 6, clause 1 of the Constitu- tion, in that the legislation provides for the common defense and general welfare of the United States; Article I, Section 8, clause 3 of the Constitution, in that the legislation regulates commerce; and, Article I, Section 8, clause 18 of the Constitution, in that the legislation “is necessary and proper for carrying into Execution the Powers” and “other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.”

By Mr. BANKS:

H.R. 6017.
CONGRESSIONAL RECORD — HOUSE

November 18, 2021

H6609

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 18 of the United States Constitution.

By Mr. GONZALEZ of Ohio:

H. R. 6029.

Article I, Section 8, clause 18 of the United States Constitution.

By Ms. WATERS:

H. R. 6055.

Article 1, Section 8, clause 18 of the United States Constitution.

By Ms. VELÁZQUEZ:

H. R. 6054.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, clause 1 of the Constitution.

By Ms. MENG:

H. R. 6038.

Article I, Section 8, clause 1 of the Constitution.

By Mr. ROY:

H. R. 6047.

Article 1, Section 8, clause 18 of the United States Constitution.

By Ms. MILLER-MEEK:

H. R. 6045.

Article 1, Section 8 of the United States Constitution.

By Mrs. HINSON:

H. R. 6033.

Article 1, Section 8 of the United States Constitution.

By Mr. COURTNEY:

H. R. 6024.

Article 1, Section 8 of the United States Constitution.

By Mr. ROUZER:

H. R. 6057.

Article I, Section 8 of the United States Constitution.

By Mr. ROY:

H. R. 6047.

Article I, Section 8, clause 18 of the United States Constitution.

By Mr. ROUZER:

H. R. 6046.

Article I, Section 8 of the United States Constitution.

By Ms. MILLER-MEEK:

H. R. 6045.

Article 1, Section 8 of the United States Constitution.

By Mr. ROY:

H. R. 6047.

Article I, Section 8 of the United States Constitution.

By Ms. MILLER-MEEK:

H. R. 6045.

Article I, Section 8 of the United States Constitution.

By Mr. ROY:

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H. R. 6047.

Article I, Section 8 of the United States Constitution.

By Ms. MILLER-MEEK:

H. R. 6045.
of Texas, Mr. Young, Mr. Bowman, Mr. Michael F. Doyle of Pennsylvania, Ms. Schrier, Mr. Swalwell, Ms. Wild, Mr. Fortenberry, Mr. Beyer, Ms. Barragán, Mrs. Beatty, Ms. Blunt Rochester, Mr. Cartwright, Mr. Cicilline, Ms. Clarke of New York, Mr. Cohen, Mr. Connolly, Mr. Cooper, Ms. Kaptur, Ms. Kildeer, Mrs. Trahan, Mr. Nadler, Mr. Neguse, Mr. Perlmutter, Ms. Speier, Mr. Thompson of Mississippi, Ms. Bass, Mr. Carson, Mr. Cleaver, Mrs. Dingell, Mr. Evans, Mr. Horsford, Mr. Johnson of Georgia, Ms. Kelly of Illinois, Mr. Kilmir, Ms. Kuster, Mr. Payne, Mr. Price of North Carolina, Mr. Deutch, and Mr. Cárdenas.

H.R. 6004: Mr. Bishop of North Carolina and Mr. Meijer.

H.R. 6006: Mr. Bost.

H.J. Res. 48: Ms. Porter.


H.J. Res. 65: Mr. Waltz, Mr. Stewart, Mr. Fleischmann, Mr. Arrington, Mr. DesJarlais, Mr. Boust, Mr. Jordan, Mr. Buck, Mr. Gimenez, Mr. Diaz-Balart, Mr. Fitzpatrick, Mr. Rodney Davis of Illinois, Mr. Green of Tennessee, Mr. Palazzo, Mr. Young, Mr. Kelly of Mississippi, Ms. Salazar, Mr. Jackson, Mr. Cresshaw, Mr. LaHood, Mr. Rogers of Kentucky, Mr. McCaul, Mr. Van Drew, Mr. Nehls, and Mr. Carey.

H. Con. Res. 21: Mr. Gohmert.

H. Con. Res. 33: Mrs. Miller of Illinois, Mr. Austin Scott of Georgia, and Mr. Huizenga.

H. Con. Res. 45: Mr. Morelle.

H. Res. 51: Ms. Williams of Georgia.

H. Res. 64: Ms. Stansbury.

H. Res. 152: Ms. Stansbury.

H. Res. 517: Ms. Sánchez, Ms. Leger Fernández, Mr. Crow, Mr. Tonko, Mr. Garcia of Illinois, Mr. Trone, Mr. Espaillat, Mr. Soggi, Mr. Johnson of Georgia, Mr. Foster, Mrs. Torres of California, Mr. Ruppersberger, Ms. Lois Frankel of Florida, Mr. Sires, Mr. Brendan F. Boyle of Pennsylvania, and Mr. Larson of Connecticut.

H. Res. 550: Ms. Pressley and Mr. Quiñones.

H. Res. 588: Mr. Butterfield.

H. Res. 731: Mrs. Axne.

H. Res. 735: Mr. Clyde.

H. Res. 744: Mr. Rodney Davis of Illinois, Ms. Brownley, Ms. Titus, and Mr. McGovern.

H. Res. 775: Mr. Case.

H. Res. 790: Ms. Barragán, Mrs. Axne, and Mr. Butterfield.

H. Res. 799: Mr. McKinley, Mr. C. Scott Franklin of Florida, Mr. Cawthorn, Mr. Steube, and Mr. Moore of Alabama.

H. Res. 802: Mrs. Axne.
The Senate met at 10 a.m. and was called to order by the Honorable JACKY ROSEN, a Senator from the State of Nevada.

PRAYER
The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.
O God our Father, we want to serve You as You desire. Lord, make us alert to the needs of those You seek to touch, providing us with opportunities to transform hurting people. Use our lawmakers to do Your will on Earth as You empower them to be ambassadors of reconciliation. Lord, give them such winsome dispositions that they will bless even those who are hard of heart and withered in spirit. May our legislators comfort those who are brought low by sorrow and lift those who are bowed by life’s burdens. Lord, during this season of Thanksgiving, inspire each of us to be grateful every day.
We pray in Your precious Name. Amen.

PLEDGE OF ALLEGIANCE
The Presiding Officer led the Pledge of Allegiance, as follows:
I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE
The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. LEAHY).

The senior assistant legislative clerk read the following letter:


To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable JACKY ROSEN, a Senator from the State of Nevada, to perform the duties of the Chair.

PATRICK J. LEAHY,
President pro tempore.

Ms. ROSEN thereupon assumed the Chair as Acting President pro tempore.

RESERVATION OF LEADER TIME
The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

CONCLUSION OF MORNING BUSINESS
The ACTING PRESIDENT pro tempore. Morning business is closed.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—Motion to Proceed—Resumed

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 4350, which the clerk will report.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 144, H.R. 4350, a bill to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

RECOGNITION OF THE MAJORITY LEADER
The ACTING PRESIDENT pro tempore. The majority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT
Mr. SCHUMER. Madam President, on NDAA, last night, the Senate began the process to debate, amend, and ultimately pass our annual Defense spending bill. With Republican cooperation, we can adopt the motion to proceed and begin voting on amendments early today.

Let me say it again. With Republican cooperation, we can adopt the motion to proceed and begin voting on amendments today. We should work together and complete this important bill before the Thanksgiving holiday.

Last night’s vote was overwhelmingly bipartisan, so there is no reason we can’t come to an agreement very soon to begin debating amendments.

And there is already one important amendment that I want to mention: repealing the 2002 Iraq AUMF. This bipartisan measure was reported out of the Senate Foreign Relations Committee earlier this year, and I said months ago that the Senate should hold a vote on it. The NDAA is a logical place to do so.

The Iraq war has been over for over a decade. An authorization passed in 2002 is no longer necessary for keeping Americans safe in 2021. It has been nearly 10 years since this particular authorization has been cited as a primary justification for a military operation, and there is a real danger to letting these legal authorities persist indefinitely. Repealing this AUMF will in no way hinder our national defense, nor will it impact our relationship with the people of Iraq. I want to thank Chairman MENENDEZ, Senator K AINE, Senator Y OUNG, and every Republican and Democratic cosponsor of the bill for working to bring this issue to the floor. And in the coming days, I hope we can come to an agreement on other commonsense amendments to strengthen the Defense bill so we can get it passed through the Senate as soon as possible.

BUILD BACK BETTER AGENDA
Madam President, on Build Back Better, now that President Biden has enacted his once-in-a-generation infrastructure bill, Democrats are taking the next steps toward passing the rest of his Build Back Better plan.
The last year and a half have been unlike any in modern U.S. history. We have had a once-in-a-century pandemic, followed by the worst economic crisis since the Great Depression.

We have come a long way this year as we have lifted our country out of the depths of these crises, but the challenges, of course, aren't over.

Americans right now want us to lower costs for things like healthcare, preschool, childcare. We have a responsibility to pass legislation that will cut costs and improve American lives. That is why we need to keep working on passing Build Back Better. We know that passing this critical legislation will lower costs for some of the most basic and essential things in everyday life. And as economists from leading rating agencies said yesterday, Build Back Better will not add to the inflationary pressures in the U.S. economy.

The childcare provision could alone save families thousands of dollars each year. Families, on average, spend $10,000 annually on childcare for each child under 4. A generation ago, this was Build Back Better or it will dramatically lower costs for millions of families by providing the largest investment in childcare in American history.

The same goes for prescription drugs. If you are one of the roughly 10 million Americans who relies on insulin to manage your diabetes, chances are you have been spending more and more as the cost of this once-affordable drug has skyrocketed. It is truly one of the perplexing and frustrating trends of the past two decades.

Well, Build Back Better will make it so Americans with diabetes don’t pay more than $35 per month on insulin by enabling Medicare to directly negotiate prices in Part B and Part D—again, lowering costs, improving the lives of millions of families.

Examples go on and on of how people will save money in their pocket given the help they need.

Build Back Better cuts taxes for parents raising kids. It makes pre-K universal for the first time ever. It will provide help for small businesses to invest within the United States and hire American workers.

And, ultimately, it is the best thing we can do to recapture that sunny American optimism that has been the key to our country’s success. Creating jobs, lowering inflation, keeping more money in people’s pockets—these are things Americans want and what Americans need, and it is what BBB does.

We are going to keep working on this important legislation until we get it done.

NOMINATION OF DILAWAR SYED

Madam President, now, on a much sadder note, Mr. Syed.

The Republican fixation on blocking qualified, uncontroversial, and essential nominees to fill roles in the Biden administration has hit a new and shameful low.

Yesterday, every single Republican on the Small Business Committee boycott a hearing that would have held a vote on Dilawar Syed’s nomination for the No. 2 spot at the Small Business Administration.

If confirmed, Mr. Syed would be the highest ranking Muslim American in government. This is the fifth time—the fifth time—that Republicans have failed to show up to a committee hearing for Mr. Syed.

To date—to date—we have yet heard a single legitimate reason for their opposition. At one point, some of my colleagues seemingly wanted to question Mr. Syed’s allegiance because of his affiliation with a Mr. Syed’s education group. That is repugnant, and after those objections provoked fierce criticism, Republicans came up with entirely new fabrications for their resistance.

But at no point have Republicans explained why Mr. Syed is not qualified for the job. Frankly, they can’t because Mr. Syed is the definition of a qualified candidate. His nomination has been praised by hundreds of business groups, including the U.S. Chamber of Commerce, hardly a liberal crowd.

It is shameful; it is unacceptable; it is ridiculous for Republicans to keep stalling on Mr. Syed’s nomination. He is eminently qualified to serve in the SBA.

Why are Senate Republicans opposing Mr. Syed’s nomination? And let me ask this again because the question resonates. Why are Senate Republicans opposing Mr. Syed’s nomination?

I ask my Republican colleagues to drop their resistance and allow this excellent and straightforward nominee to receive confirmation.

I yield the floor.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll. Mr. MCCONNELL, Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

RECOGNITION OF THE MINORITY LEADER

The minority leader is recognized.

NATIONAL DEFENSE AUTHORIZATION ACT

Mr. MCCONNELL. Well, at long last the Senate will officially turn to the NDAA. As amendments DAA mandates us to do, it is time to take a look at what America faces serious rolling threats. In too many cases President Biden’s decisions have actually made things worse, so our annual opportunity for the Senate to have its say is as important this year as it has ever been.

Over in Russia, Putin is preparing to escalate military hostilities along the border with Ukraine, and he is using Europe’s reliance on natural gas to bully our friends. But President Biden actually created the obstacles to Putin’s brand new pipeline that will further extend his leverage and further enrich his cronies.

So I hope the Senate will consider an NDAA amendment to sanction this project and to provide additional lethal support to Ukraine. These initiatives have previously won bipartisan support, so I would hope Democrats would join Republicans in pushing back on Moscow.

China is flaunting major military innovations, like hypersonic weapons systems, stepping up airspace intrusions over Taiwan, and blaming America for their bad behavior. But while President Biden initiatives like to talk a good game about China, they have yet to really walk the walk. President Biden’s budget request for our military and defense does not even keep pace with President Biden’s inflation.

In addition, while Russia openly threatens its neighbors and China builds up its conventional and nuclear forces, there are reports that Democrats are considering unprecedented new constraints on our own nuclear options through a “no first use” or “sole purpose” policy.

Our allies have strong concerns about this. I hope the Senate will use the NDAA process to demonstrate bipartisan support for strengthening our nuclear triad. That is the bedrock of deterrence and our strongest defense against these serious threats.

So, what about terrorism?

Following President Biden’s Afghanistain disaster, we are facing new and growing threats there as well. The new Taliban government has made cabinet ministers out of terrorists whom the Obama-Biden administration let out of Guantanamo Bay. But the Biden-Harris administration still naively acted like these characters care one bit about international norms.

That is why Republicans have an amendment to ensure that none of the funding for Afghanistan aid can flow to the Taliban. It is an indictment of President Biden’s policy that such an amendment is even necessary, but yet that is where we are.

In the Middle East, Iranian-backed terrorists are rampaging from Yemen to Iraq to Syria. They are emboldened as our deterrence has eroded. Given the multiple attacks on U.S. forces and facilities, we are fortunate more Americans haven’t been killed. It may only be a matter of time before we see U.S. casualties at the hands of Iranian-backed terrorists.

However, in the wake of these growing threats, Democrats want to use the NDAA—a bill that should strengthen our national defense—as an occasion to weaken the authorities that support our military’s presence and operational flexibility by repealing the 2002 AUMF. I expect a robust debate about that.

I am glad we will finally be able to have these debates and these votes. It is time that Democrats admit they need a confirmation, and the Senate needs to supply it.

THE ECONOMY

Madam President, on an entirely different matter, American families are
dealing with painful inflation every single day. They have been fighting this daily battle for months now.

A few months ago, a grandfather raising four grandkids in Missouri told reporters he had to cancel summer camp for his 8-year-old and his 3-year-old in order to keep his family’s half-dozen diapers affordable for their twin younger brothers.

One Maryland woman told the local news she had gone to the grocery store to buy meat for her family, but was turned away by the price tag and had to leave without bread instead.

One man in Massachusetts, who cares for his elderly mother, told reporters that his 94-year-old mom needs the house kept warm, so they are getting absolutely crushed—crushed—by runaway heating costs. Here’s what he had to say about it:

"Before, you’d go to the store, and if you had a $100, you could buy four bags of groceries and be happy. Now you are lucky to get a bag. Milk, orange juice, eggs. Plus the oil for the house, the water bills. It’s just crazy. It’s so much money. How is someone supposed to survive?"

"This persistent and painful inflation has been directly fueled by the reckless spending Democrats rammed through in March. Even if Washington Democrats didn’t inflict more new damage, economists still say we’re going to see inflation get worse before it gets better."

"The Democratic leader said on March 12: ‘I do not think the dangers of inflation, at least in the near-term, are very real.’"

"He was catastrophically wrong. And these same people want yet another multi-trillion-dollar bite at the apple."

"Look, American families know the spending part of Democrats’ reckless tax-and-spending spree would spell disaster. Sixty-seven percent just told a survey that Washington should cut back on printing and spending because of inflation-costing costs."

And then there is the taxing part of their reckless taxing-and-spending spree. The bill that Democrats are writing behind closed doors would hike taxes on the American people by an estimated $1.5 trillion—a trillion and a half dollars in tax increases.

"Democrats have already turned a strong economy into a shaky economy. Now they want to add the biggest tax hikes in a generation. A huge chunk of that: hundreds of billions of dollars for tax hikes on American industries and employers, because the Biden administration has become enamored with a global scheme where countries around the world supposedly all agree to hike their tax rates together."

This is an awful idea. Remember, in 2019, Republican policies had set up the best economy for working Americans in a generation. This is in large part because we just cut taxes substantially. We made America more attractive to business.

So President Biden wants to do just the opposite of that: thrust America into some kind of global noncompete agreement. We are supposed to promise Europe and Asia that we won’t make America an especially attractive place to bring jobs and prosperity.

Let me say that again. We are in the process of promising Europe and Asia that we won’t make America an especially attractive place to bring jobs and prosperity.

"Look, it gets worse. President Biden and Secretary Yellen want America to leap over the cliff first, tax the heck out of American industries while we just wait and see if our competitors actually follow suit."

"Well, you better believe China would be just thrilled to see the Democrats’ bill drain hundreds of billions of dollars out of our own private sector as a symbolic gesture to the rest of the world."

"Democrats’ tax policies are just like their energy policies. They won’t build back better. They will build back Beijing. They won’t build back better. They will build back Beijing."

This is just one part of a $1.5 trillion job-killing tax hike. There are all kinds of tax increases that would hit major employers, Main Street small businesses, and American families. They would be the last to confirm this, but the Democrats’ bill would completely break the President’s promise not to raise “a single penny more,” he said, in taxes on middle-class households.

They would tax tens of billions in extra funding to the IRS so they can hire an army of new agents to snook and audit their way across the country. But less than 3 percent of the huge IRS windfall would fund better customer service for taxpayers.

Finally, in the midst of all these tax hikes, Democrats from New York, New Jersey, and California have managed to include—listen to this—a massive tax cut for wealthy people who choose to reside in high-tax blue states. This bonanza for the billionaire class would cost almost $300 billion on its own.

"Even the Washington Post could only marvel at the audacity of this. Here’s their headline: ‘The second-biggest program in the Democrats’ spending plan gives billions to the rich.’ That is the Washington Post’s assessment of it.

"In fact, even though Democrats want to hike taxes by $1.5 trillion, their bill would tax cut to 89 percent of people making between $500,000 and $1 million, and 69 percent of households making over $1 million."

"This bears repeating. Even though Democrats want to hike taxes by $1.5 trillion, their bill still manages to give a net tax cut to 89 percent of people making between $500,000 and $1 million, and 69 percent of households making over $1 million."

"All of this is a huge blow to American competitiveness: job-killing tax hikes. But Democrats make sure to look out for the ultrawealthy out on the coasts. A supermajority of them get tax cuts. I am almost impressed our colleagues have found a way to be this out of touch."

"I suggest the absence of a quorum. The ACTING PRESIDENT pro tem. The clerk will call the roll."

"The senior assistant bill clerk pro tempore will call the roll."

"Mr. THUNE, Madam President, I ask unanimous consent that the order for the quorum call be rescinded."

"The ACTING PRESIDENT pro tem. Without objection, it is so ordered."

"Border Security"

"Mr. THUNE. Madam President, the Biden border crisis continues to rage. Last month, U.S. Customs and Border Protection encountered 164,303 individuals attempting to illegally cross our southern border. That is more than twice the number of encounters Customs and Border Protection had the previous October and the highest October number ever recorded by Customs and Border Protection. In all, more than 1.7 million migrants have pre- empted and overridden attempting to cross our southern border in fiscal year 2021—the highest number ever.

"We are in the midst of a very serious crisis, and the response from Demo- crats and the administration? Well, mostly crickets. Democrats seem to hope that ignoring the border situation will make it go away or at least ensure that no one pays attention. I am pretty sure the President and his administra- tion spent more time earlier this year fighting against the use of the word ‘crisis’ to describe the situation at the border than they did actually thinking about how they might deal with the influx. Apparently, the admin- istration is still—still—trying to avoid the ‘crisis’ label judging by a recent hearing wherein the President’s nominee to head Customs and Border Protection seemed to carefully avoid refer- ring to the situation at the border as a ‘crisis.’"

"If the highest number of border encoun- ters ever recorded isn’t a crisis, I am not sure what is. The situation at our southern border is out of control. It is a security crisis, it is a manpower and enforcement crisis, and it is a hu- manitarian crisis—although, again, you would never guess it from the Democrats’ behavior."

"Despite the fact that this crisis has been raging for the best part of a year now, Democrats and the administration have taken essentially no mean- ingful action to address the situation, and that is not the worst of it. The Democrats’ policies are actually making the situation worse."

"Among other things, the President has significantly limited earlier this year the ability of Immigration and Customs Enforcement and Customs and Border Protection to enforce immigration laws, and arrests in the interior of the country dropped steeply under this administration. The Washington Post recently reported: Immigration arrests in the interior of the United States fell in fiscal 2021 to the lowest level in more than a decade."
The practical effect of the President’s immigration policies has been to encourage new waves of illegal immigration. It is hardly surprising. If you think that your chances of staying in the United States are good, even if you are here illegally, you are likely much more likely to undertake the journey in the first place.

The administration’s actions—or lack thereof—have been compounded by the actions of Democrats in Congress who have done their utmost to guarantee widespread amnesty. Democrats have repeatedly attempted to include some form of amnesty in their tax-and-spending spree. While they have been partially foiled by the rulings of the Senate Parliamentarian, the latest version of their bill still contains provisions to grant de facto amnesty to many illegal immigrants.

Their spending spree also deliberately lacks restrictions on Federal funding going to individuals in the country without legal status, which means that illegal immigrants could end up receiving the $3,000-per-year child allowance, housing vouchers, and more. One analysis suggests that illegal immigrants could collect $10.5 billion in child allowance payments next year.

I haven’t even mentioned reports that the Biden administration has apparently been contemplating settling lawsuits brought by individuals, who came here illegally, with payments of up to $500,000—yes, $500,000. That is right. That is more than four times as much as the government gives to the families of soldiers killed in action and nine times—nine times—as much as the government gives to an individual wrongly imprisoned for 1 year. The administration has suggested that payments will not actually be that high, but even a settlement half that high, but even a settlement half that high, would dwarf the payments that we give to the families of fallen soldiers.

Illegal immigration, as the Democrats are doing, presents a serious security risk because it makes it easier for everyone from terrorists to drug traffickers to enter the country unidentified, to say nothing of others like fentanyl and other illegal items.

Encouraging illegal immigration through lax immigration enforcement and amnesty also undermines respect for the rule of law. The area of immigration should not be the exception to the principle that the law has to be followed and respected. Yet, that is basi-

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Gettysburg, it became singular. 'The United States is a free country.' As it says above your head, Mr. President, "e pluribus unum." As we look forward to celebrating our national holiday of Thanksgiving, perhaps we could try a little harder to hear the "mystic chords of memory"—what a phrase—that unite us.

I think about that Gettysburg Address, and I was asked to give a speech about it. When I stopped at 272 words, and Lincoln had with so few words, to capture the moment, to give people hope, and to craft phrases which still endure to this day as some of the most masterful uses of the English language one can imagine.

Tomorrow, I hope we can take a moment to recall our childhood education, when we were taught the Gettysburg Address and perhaps recite what we can of it. And I hope we will remember, even in these dark times, that we have faced harder times than this and we were delivered and this Nation endured.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. REED. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

**National Defense Authorization Act**

Mr. REED. Mr. President, I rise to discuss the fiscal year 2022 National Defense Authorization Act.

Over the coming days, the Senate will consider this bill, which the Armed Services Committee passed by a broad bipartisan margin of 23 to 3 in July. I look forward to debating and improving this bill, as we all work toward ensuring our military has the right tools and capabilities to combat threats around the globe and keep Americans safe.

First, I would like to acknowledge Ranking Member INhofe, whose leadership on this Committee and this body has been invaluable. His commitment to our men and women in uniform is unwavering, and he was instrumental in helping to produce this bipartisan legislation.

As we debate the NDAA, we must keep in mind that the United States is engaged in a strategic competition with China and Russia. These near-peer rivals do not accept U.S. global leadership or the international norms that have maintained the peace for the better part of a century.

This strategic competition is likely to intensify due to shifts in the military balance of power and diverging views of governance. And it is unfolding amidst climate change and the emergence of highly disruptive technologies.

The inter-connected nature of these threats will drive how we transform our tools of national power to respond. The passage of the FY2022 NDAA will be a critical step in meeting the complex challenges before us.

Addressing the specifics of this year’s Defense bill, the NDAA authorizes $740 billion for the Department of Defense and $27 billion for national security programs within the Department of Energy.

For the first time in years, this legislation, like the President’s budget request, does not include a separate overseas contingency fund, or OCO, request. Any war-related costs are included in the base budget.

This bill contains a number of important provisions that I would like to highlight.

To begin, we have a duty to ensure that the United States can overcome the threats from near-peer rivals. The NDAA supports the Department of Defense in this endeavor by providing the resources needed by the combatant commanders to carry out the national defense strategy, or NDS.

Every 4 years, the Department reports the NDS to outline the national security objectives of the administration. The 2018 NDS provided a framework, and the DOD will release a new strategy in the coming months. In this regard, this bill creates a commission on the national defense strategy for the forthcoming NDS in order to boost our military advantage.

Last year, the Armed Services Committee created the Pacific Deterrence Initiative—or PDI—to better align DOD resources in support of military-to-military partnerships to address the challenges posed by China.

This year's bill authorizes the continuation of the European Deterrence Initiative—or the EDI—recognizing the continued need to invest in support for our European allies and partners as we work toward the shared goal of deterring Russian aggression, addressing strategic competition, and mitigating shared security concerns, the most recent one being the amassing of Russian troops on the border of Ukraine.

Turning to personnel, the key factor that makes the United States the greatest military power in the world is its people. We need to ensure that our uniformed personnel know every hour how much we appreciate what they do and that we have their backs.

Congress has done a good job in providing benefits to the military and their families, and this year’s Defense bill continues to do that. But our military is showing the strain of two decades of continuous deployments, and I am concerned that there has been a dangerous erosion of trust within the chain of command; and issues such as racism, extremism, sexual harassment, and sexual assault have been allowed to fester and create friction and division.

The Department of Defense is addressing those issues, but Congress must provide guidance and resources. To this end, the bill strengthens the All-Volunteer Force and improves the quality of life for the members of the total force: the Active Duty, the National Guard, and the Reserves; their families; and, importantly, the Department of Defense civilian employees, who contribute significantly to the effectiveness of our operations.

It reinforces the principles of a strong, diverse, inclusive force and that force cohesion requires a command climate that does not tolerate extremism or sexual assault misconduct or racism; and that quality healthcare is a fundamental necessity for servicemembers and their families.

Importantly, this NDAA includes the funding necessary to support a 2.7 percent pay raise for both military servicemembers and the DOD civilian workforce. We have also included a provision that would amend the Military Selective Service Act to require the registration of women for Selective Service. I am proud of this position, which passed the Armed Services Committee on a broad bipartisan basis.

Society, the military, and the nature of warfare itself have changed significantly since the 1948 Military Selective Service Act passed. Back then, women were denied the opportunity to serve in 

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**CONGRESSIONAL RECORD — SENATE**

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This bill makes significant efforts to improve the readiness of the Navy and Marine Corps aircraft, ships, and weapon systems. It provides considerable investments in our next-generation Arleigh Burke-class destroyers, including an increase of $1.7 billion to restore a second guided missile destroyer to this year’s budget and $125 million for long lead material for our destroyer in fiscal year 2023.

The bill authorizes $4.8 billion for the Columbia-class submarine program and for increments and expansion in support of the Virginia and Columbia shipbuilding programs, an increase of $130 million.

I was up at Quonset Point, RI, recently, where all submarines start their construction. Along with the Deputy Secretary of Defense, Secretary Hicks, we saw the progress that we are making to build two Virginia-class submarines a year and turning out the first Columbia-class ballistic missile ship to replace one of our class.

We are moving forward. And, frankly, many believe—as I do—that undersea strength is the best form of deterrence that we have. And as we deploy more submarines, we will have a greater ability to deter potential conflicts.

This bill also increases the Landing Helicopter Assault replacement funding by $350 million and the Expeditionary Fast Transport vessel program by $270 million.

Growing our surface and undersea warfare capabilities will be vital to our success in the Indo-Pacific region, and this NDAA makes important progress in this area. It is consistent with our defense strategy of shifting our focus to the Pacific, which requires a shift of resources to the Navy and Marine Corps.

Similarly, the bill authorizes funding to strengthen naval aviation, including five additional F-35 fighter variants, one additional F-35B Joint Strike Fighter aircraft; two additional C-130J Hercules aircraft, an additional KC-130J tanker, two additional CH-53K helicopters, and two MQ-4C Triton unmanned aerial systems.

Now, with respect to the Air Force, the bill increases authorization funding by providing an additional F-35A fighter, five additional F-15 fighters, and extensions on the minimal capacity of several Air Force platforms.

With respect to the Army, I am pleased that the bill advances research and development in important future technologies and makes broad investments in generational Army modernization efforts and continues to upgrade significant enduring capabilities. Our bill focuses on filling critical gaps that we have in the hands of our troops as quickly as possible.

And that is what we are trying to do in this legislation.

Again, the issue is deterrence first, and what will help deter any conflict will be the realization of our adversities that they are going up against the most sophisticated, technologically capable military in the world, manned by the most dedicated and skillful women and men in the world. That is why we are hoping for an outcome that is consistent with respect to the Army, the bill supports the modernization of its ground combat vehicles, including the M1 Abrams tanks, Bradley Fighting Vehicles, Paladin self-propelled howitzers, tactical-type vehicles.

Having the platforms and the personnel is critical, but they have got to be ready to go, and we have taken great pride in trying to improve the readiness of our forces.

This NDAA authorizes more than $2.8 billion for additional military construction projects after funding other large projects in the budget request. The bill also includes new provisions that will help acquisition outcomes by strengthening the ability of DOD to analyze the defense industrial base, evaluate acquisition programs, and implement acquisition reform efforts.

It also streamlines processes to allow the Pentagon to invest in and incorporate advanced commercial technologies to support defense missions and strengthens DOD’s small-business programs to allow partnerships with innovative, high-tech companies.

From post-World War II until very recently, we were really in an industrial age, and the United States led the world. We have now moved to a post-industrial age where the new technologies, the new innovations aren’t coming out of government labs or the Bell Labs; they are coming out of small business; they are coming out of young entrepreneurs who have come up with great ideas.

And what we want to do and what we want to empower the Department of Defense to do is to be able to get those ideas, develop them, and incorporate them rapidly into our military forces.

That means we have to develop partnerships with small business and think in a different way. We have to think about a more entrepreneurial acquisition system rather than “this is the way we have always done it and are going to keep doing it.”

We also have another area that we have to pay attention to, and that is...
the area of the modernization of our nuclear triad. I recognize the concerns voiced by some of my colleagues about the cost of, and genuine disagreements about, our Nation’s nuclear policy. From my perspective, nuclear deterrence is the bedrock of our national defense. Nuclear deterrence is credible and to ensure these weapons never need to be used, they must be capable and ready for use. The deterrence that we have enjoyed for so many decades has been gained by the acknowledgement by all other nuclear powers that we are more than capable to respond. Our allies and partners depend on the U.S. nuclear umbrella. That is one of the reasons why the proliferation which President Kennedy thought would be almost universal has not developed. And modernization of our strategic forces is necessary to ensure their dependability.

One thing I think everyone agrees on, and I think often gets lost in the discussion, is another factor: arms control and modernization of our nuclear forces are inherently linked together. We must reinvigorate our efforts on arms control so that we do not have a situation where the proliferation issue becomes more obvious and more dangerous. So even as we modernize, we should seek ways to promote strategic stability, like the extension of the New START agreement and follow-on talks to negotiate ways to further reduce nuclear stockpiles. The best way to reduce nuclear weapons is through negotiated mutual arms reductions rather than unilateral actions. That has been the history of the Cold War, which with the Soviets and the United States we were able, with every Presidency, to come up with some type of agreement. Unfortunately, we took, I think, a less aggressive posture in the last administration, but we have to renew significantly our arms control efforts, I think, to make it clear that mutual interest of Russia but also China because China is a growing nuclear power with a very deliberate plan to increase significantly their nuclear arsenals.

We have to get a situation where there is at least a trilateral negotiation between the United States, China, and Russia for our own mutual benefit. And part of that is also not just looking at numbers but looking at the safeguards that each country places on the use of nuclear weapons.

We do not want a situation where there is an accidental launch that triggers a catastrophic response. We have much to do. But I will emphasize again that simply rebuilding our triad without rebuilding our diplomacy is not the best path forward.

What we have tried to do in this bill is to enhance deterrence through a number of factors, including recapitalizing. For example, ensuring the safety and security and reliability of our nuclear stockpile, our delivery systems, and our infrastructure, increasing capacity in theater and homeland missile defense, and strengthening non-proliferation programs.

We have—particularly our land-based missile systems—installations that were built in the 1960s. They are roughly 60 years old. The war-fighting wear and tear of the delivery vehicles are also old. That is part of our modernization program. The Columbia class is the first of our new ballistic missile submarines. We have to replace the Ohio class because, frankly, our fleet will literally wear out. They won’t be capable to go to sea at some point in the future. And that is why we are beginning right now. We are also looking at a new, sophisticated armor that will complement the other two legs of the triad.

And because this involves the Department of Energy and the National Nuclear Security Administration, we authorized $23 billion for this effort. We have funded the Department of Energy’s defense activities at $920 million and its nuclear energy activities at $149.8 million. This is all part of having an effective deterrence.

Now, as we have seen, our adversaries are developing other capabilities at an alarming pace. Specifically, with regard to hypersonics, it is especially clear that China is working to develop capabilities that evade current missile defense capabilities possessed by the United States and our allies. To address these new threats, the Missile Defense Agency, for example, working with the Top Down Interceptor Program to support our ground-based midcourse defense system.

There was a barrage emanating from Israel’s neighbors of approximately 4,500 missiles over the last year. And Iron Dome, which was created by the Israeli Government, knocked down a significant number of those missiles protecting the State of Israel. So this is not an academic exercise; this is supporting a close ally.

And it is also clear, as I mentioned before, China is expanding its nuclear weapons stockpile at a faster rate than we have seen from any other nation. It appears that China has over 350 warheads. That is the kind of a number that threatens to reach parity with the United States and Russia in its efforts to become a world-class military. To respond to this and other countries’ proliferation efforts, the NDAA authorizes $239.84 million for Cooperative Threat Reduction Programs to stop the proliferation of nuclear, chemical, and biological threats around the world.

If you take those three aspects—improving our military capability, invigorating our diplomacy, and actively using our diplomacy to lower the ability and capability of those that have nuclear weapons, that is the best path ahead.

Now, we have understood over the last several years that what is causing a great deal of destruction in this world in every aspect is technology, including cyber space activities. And we, again, are trying to hone and invigorate our technological innovation in that area.

Innovation has long given us the strongest economy and military in the world. But it must be nurtured and maintained through careful investment and strong leadership in both the public and private sectors.

I believe we have an advantage because we have such a great educational system, a great entrepreneurial system, the creativity and talent of the American people, but we have to focus on needs for our military and national priorities.

And our top priority for Congress must be maintaining strong investments in technology areas that will shape future wars. This year’s NDAA includes multiple provisions to accelerate the modernization of the Department of Defense by investing in research and development of cutting-edge technologies and delivering them in a timely manner to the Armed Services. Specifically, it authorizes an increase of more than $1 billion for science and technology programs that fund cutting-edge research and prototyping activities at universities, small businesses, defense labs, and industry, with a particular focus on artificial intelligence, microelectronics, advanced materials, 5G, and biotechnology.

The bill also authorizes an increase of more than $500 million in funding for DARPA, the Defense Advanced Projects Agency. DARPA has been conducting high-risk, high-payoff research for years, including such areas as quantum computing and assisting with universities to accelerate their research. Importantly, the bill incorporates a number of recommendations from the National Security Commission on Artificial Intelligence, which the Armed Services Committee established in a previous NDAA. The $500 million of funding for DARPA will be extremely critical to the future and will produce, I think, some breakthrough technologies that not only DOD will use but will become commercial products for our national economy.

Recognizing, again, the competition between the United States and China on certain militarily-relevant technologies, the bill strengthens the language of the CHIPS Act to ensure the national network for microelectronics research and development to support the development of world-leading domestic microelectronics technology and manufacturing capabilities.

Now, I mentioned one of our problems is that we are moving from an industrial age, in which there was the space dimension, to a new post-industrial age, where technological innovation has been distributed. Other countries, because of the
nature of cyber and other technologies, are beginning to catch up with it and, in some cases, pass us. Often, and especially in the Department of Defense, one of our problems has been procurement and acquisition practices. The Department’s approach has been convoluted, burdensome, and often fraught with inertia that makes partnering with private industry far too difficult. As America confronts threats around the globe that are evolving at unprecedented speeds, we must find a way to interact with defense needs, communicate them, and deliver them in a timely manner.

There are several areas that, if transformed, could allow DOD to more effectively do this. The fiscal year 2022 NDAA makes important progress by establishing an independent commission to review and assess the planning, programming, budgeting, and execution—or PPBE—process and identify areas for reform.

The PPBE process has, for many decades, since the 1960s, given DOD leaders a way to evaluate the resources they need and to deliver them to the troops. However, as I mention consistently, it is a bit of a relic of the industrial age. It under Secretary of Defense Robert McNamara, the former chief executive of the Ford Company. And at that time, it was the most sophisticated way to manage resources and do research, but that was the height of the industrial age.

We are now in a situation much different. So we need to modernize the procurement system and the acquisition system that we have in place. We have to make it more rapid, more agile, more capable of absorbing new products and getting them into the hands of the troops.

So in addition to establishing this independent review commission, the NDAA requires the DOD Comptroller, along with the DOD’s Chief Information Officer and the Chief Data Officer, to submit a plan to consolidate the IT systems used to manage data and support the PPBE process.

One of the things we have discovered is there is no really integrated data plan in the Department of Defense—the largest Federal entity. There are multiple different brands of software systems, different brand of hardware. Some can talk to others, some can’t. There is no central company today that has such a, shall we say, slightly immature information processing system, and we have got to change it.

Similarly, management transformation is badly needed with the Department. As I said, it is one of the largest bureaucracies in the world, and the Government Accountability Office has put the Pentagon’s approach to business management on its high-risk list, citing its vulnerability to waste, fraud, and abuse, inability to pass a financial audit, and culture that remains resistant to change. To spur transformation, this NDAA requires the Secretary of Defense to improve Pentagon management by leveraging best practices and expertise from commercial industry, public administration, and business schools.

I am confident these steps will allow us to leverage the best of American ingenuity and market talent that drives innovation. At the end of the day, we should think about management as a defense capability like any other. We hope we are opening up a new day of more efficient and sophisticated management, more integrated communication, and any way that will produce results that will get the best technology into the hands of our fighting men and women.

One factor that we all are aware of every day is the challenge of cyber security. The cyber domain impacts everything we do, so there is absolutely no surprise that it has impacted the Department of Defense and its industrial base. We need to ensure that our industrial base has improved cyber security, and that these are the bailiwick through which our adversaries will use to enter and gain access to even more critical elements of our national security.

As the recent SolarWinds, Microsoft Exchange Server, and Colonial Pipeline cyber attacks have illustrated, traditional “perimeter-based” cyber defenses are simply inadequate to deal with sophisticated threats. Our adversaries are clearly advantaged in the cyber domain and are likely to succeed in penetrating that defense. Therefore, this NDAA requires the development of a joint “zero trust” cyber strategy and a model architecture for the Department of Defense information network. It also authorizes an increase of $268.4 million across DOD to support cyber security efforts.

We all recognize that cyber is a persistent threat to everything we do. As one very thoughtful gentleman said years ago at a function I was at, “Breach, billion, billion, billion—it’s cyber technology that has two effects. It makes good things better and bad things worse.” And that is exactly what we are witnessing every day. So we have to exploit the good things and get them into our system and be much more vigilant at protecting us from the bad things.

Similarly, as the COVID crisis has made clear, we need a coordinated industrial policy to ensure that we have a robust, secure, and reliable technology and industrial base, especially in critical and emerging technology.

We need to give the DOD the tools and expertise to understand its supply chain and its physical security challenges, its financial challenges, and influence from commercial market trends. That is why this bill directs the Comptroller General to conduct a comprehensive assessment of research, development, test, and evaluation authorities and other similar authorities and brief Congress on its findings.

One of the more fascinating things is many companies and suppliers to our defense thought their products were coming from the United States, only to discover that critical components came from elsewhere and sometimes countries that were not particularly friendly to us. So we have to look seriously at our supply chain.

Finally, while I spent most of my time speaking about future challenges, I would like to thank the staff who worked tirelessly on this bill throughout the year—and tirelessly is an understatement. While we were leaving after our last vote, there were staying hours later to get this bill in shape to pass and then to begin our dialogue with the House. It is the staff of both sides. I salute my Republican
considered: We are seeing even military ambulances. Why would Putin be putting in military ambulances if he was not expecting casualties? The answer is, he wouldn’t. So we have an idea what is going to happen.

In addition, the experts are reporting that 90,000 Russian combat troops are amassed along Ukraine’s border. These troops are in a more threatening posture than they have ever been before. They are in the south and in the north. They are knocking on the doors of Kyiv. All that is going on right now.

It might sound crazy that Russia would want to deploy so many forces now in November to a region where the winters are brutally cold, but there is something not many people really think about; that is, frozen ground is easier to move around heavy equipment like tanks and artillery.

I am not the only one who is sounding the alarm on this. Earlier this year, Senator Congr. Trent Kelly and I visited Romania, which, like Ukraine, sits on the frontlines of Russian aggression. At that time, Romanian military officials warned us that Russia was moving Romanian military officials warned us that Russia was moving away from an aggressive posture in the Black Sea. We are seeing that now. Everything we have predicted is happening now, and that assessment of the shift was actually right.

Putin is capitalizing on what he perceives as U.S. weakness. He knows that our NATO allies are disturbed by the catastrophe in Afghanistan and that many of the European nations fear that the United States is no longer interested in trans-Atlantic security.

The President shouldn’t have done what he did, and we all—I think most Americans know that. It was a disaster, the way he put this thing together in Afghanistan, and now we are finding out, unfortunately, that we have seen this before, but I don’t think we have just like this.

So this is about Americans, NATO, the credibility and the capability, and that is why the NDAA is so important every year but especially this year. But, first, let’s be frank: Russia is far from our only threat. In 2008, this is a document that a lot of people have looked at and thought, why didn’t we do this before? This was back. I think, in—what was it? About 5 years ago, it was put together. We had what we considered to be the top six Democrats and the top six Republicans on defense, and they put this book together. It is a very brief book, but we have been—as has been our Bible. We have been doing this now for a long time, and the things that we were predicting at that time are actually becoming a reality.

It tells us for the first time—and this is significant. People don’t understand this. For the first time, we have two major adversaries at the same time. This hasn’t happened before. And, you know, we are talking about Russia. Yes, that is significant, and you have heard me say this before—the Chinese Communist Party has been investing heavily in modernizing its military. Over the last two decades, their military spending has gone up 450 percent—just in the last two decades. Now, we are not doing that ourselves.

You know, I have to say—and everyone realizes this—these communist countries have a great advantage. They can move and move quickly, and they don’t seem to have any limitations. We are not seeing some of the limits that investment. They have tested hypersonic missiles that we don’t even have anymore. I have to say that again. Hypersonic missiles are something they have and they are using. They have tested. We have seen it. We don’t even have it, and we don’t have any counter to that. They are leapfrogging us in other critical areas, like artificial intelligence, and they are rapidly expanding their nuclear arsenal and infrastructure.

These investments in military capability are done with real purpose. They are a threat to Taiwan and other allies in the Indo-Pacific. Ambassador Bi-khim Hsiao was in my office this morning from Taiwan—and we were looking at things that are going on there, just like we are looking at from the Russian area.

But the threat China poses to our own interests can’t be overstated or underestimated.

Meanwhile, North Korea is out there. Iran is out there. They are also continuing their threatening behavior. North Korea is conducting missile tests of its own, and Iran continues to back proxies striking at U.S. troops and our interests—most recently, we have seen in Syria.

The terrorist threat in Afghanistan is also resurfacing thanks to the disaster, that continues to undermine U.S. credibility. We know that ISIS-K and al-Qaeda have the desire and intent to strike our homeland. This is something that a lot of people don’t understand. A lot of people don’t believe the threat that is out there. Now we know when they will be able to strike us, and it is closer than you think.

As soon as 6 months from now, the Senate Armed Services Committee was told just last month this could happen.

So I don’t say this to be dramatic. This is a reality, plain and simple. The world is more dangerous than it has ever been in my lifetime—by the way, people have reminded me over and over again yesterday and today, since it was my birthday, how long that lifetime has been—and we have seen a lot, but we haven’t seen anything like this before.

National security needs to be the top priority. Without strong military defense, making our way of life, nothing else matters. We can talk about other things, but it doesn’t really matter if we can’t do that.
Since World War II, we have ensured peace through the world by projecting strength. Our military should and must serve as a strong deterrent to our adversaries, and they have to know that they can’t beat us. Some people are questioning that, but they have to know that they can’t beat us, and we have to show them that they can’t. Yet we are fully aware that they have things we don’t have. They have technology we don’t have. This is something we haven’t dealt with before.

President Biden’s inadequate defense budget request, the irresponsible drawdown in Afghanistan—something he shouldn’t have done; the administration should not have done—and the lack of commitment to shared nuclear security are calling that into question. It is evidence that we aren’t prioritizing national defense, and we already have seen what happens when we don’t prioritize national defense. We see upticks in destabilizing, threatening actions exactly what we are not doing right now. Just imagine what would happen if Putin and Xi thought they stood a chance to beat us if we didn’t turn things around, and that could happen.

It is important today that people don’t understand and should understand. Americans take for granted the idea that our military is the best. You know, when I go back to not just my State of Oklahoma but all around the country that I’ve been in, you know, I am old enough to remember what was happening at the tail end of World War II. We learned a lesson. We learned to be prepared, and for a long period of time, we had the best of everything. We had the best modern equipment, all of this, and that isn’t the case today. Americans take for granted that we have the best of everything, but we don’t. It just is not true anymore.

Don’t just take my word for it, you know, just take it from me; a couple of weeks ago, our Nation’s No. 2 military adviser, General Hyten—no one disagreed—I don’t know of anyone who would actually argue with General Hyten. He was explaining how China is on pace to surpass us if we don’t do something to change what is going on today. That is General Hyten. I don’t know a more knowledgeable person anywhere in America or elsewhere.

We face these challenges. We can put our country back on the right track. That is going to take real investment and real strategy. Congress has a very important role to play here. We pass the National Defense Authorization Act and Defense appropriations each year, and every year, we give our military what it needs to set this thing right.

Now, I am proud to say that this year’s NDAA goes a long ways to making our country more secure. I am not saying it is perfect, but it is very good and a necessary start. And that is what this is all about now. It is what we are going to be passing—I am talking about tomorrow or the next day—and going into this long process that includes both the House and the Senate. So let’s start with one of the biggest ways to strengthen our national defense: authorizing an additional $23 billion in funding for the Department of Defense. This is just a floor for defense spending.

Now, it is important that we understand this President has not been a good President in terms of building the military. What he is doing isn’t. You know, his budget request shortchanged our national defense. In fact, if you put his budget numbers in terms of defense and nondefense, the amount that goes to nondefense averages about a 16-per cent increase, and the amount that goes to defense is a 1.6-per cent increase. Now, that is the President’s budget. It is not my budget. It is not our budget. It hasn’t passed, but nonetheless, that gives you an idea of where we are right now. The emphasis is not on defense. It should be, and it actually cut funding for our military even as we face the growing threats that I mentioned. And we are talking about the—compared to the inflation thing that is happening right now. So I am glad the Senate Armed Services Committee unanimously adopted my amendment to increase the Department of Defense’s budget top line. This is the bare minimum of what we need to meet the threats that we face. This is what underscores everything we do.

The bill also makes sure this money is spent the right way. As we have for the past few years, we are using the 2018 national defense strategy—that is this book I referenced just a minute ago— as our roadmap, and we are using this for that.

The NDAA focuses on the Indo-Pacific, which is our priority theater, by emphasizing investment in the region through the Pacific Deterrence Initiative, the PDI, which we started in last year’s bill.

The way this works is we are—it is continuing as time goes by. We have a bill, and the bill is activated, usually in December, but then we are already into the next year. So while this seems simple, people say, You are only talking about one bill a year. It doesn’t really work out that way.

It strengthens our supply chain so we are not reliant upon China, but we are doing that right now. It addresses the threats posed from information warfare, and it deters the foreign malign influence. It also stands strong against Russia.

Perhaps most importantly, it provides critical lethal aid to Ukraine, and we know that these things are working. While radios and cold-weather gear are needed, they won’t deter Putin’s strategy and his ambitions. Weapons like the Javelin anti-tank missiles, on the other hand, remind him that invading and annexing Kyiv will have real and concrete costs.

We know Russia and China are expanding their nuclear arsenals. Our nuclear stockpile serves as the cornerstone for our deterrent, so we have to keep it safe, secure, and effective. That is why the NDAA supports the nuclear modernization our military commanders say is their top priority. It provides support for allies and partners around the world. Unfortunately, our allies and partners are questioning our commitment right now after what happened in Afghanistan, and they are feeling like they were being told and not consulted. They didn’t even know—that withdrawal that should not have taken place but did take place in Afghanistan is one that they were not even aware of.

It provides the reassurance of American credibility that they desperately need for very one to hear. It provides support for allies and partners around the world, the Pacific, which is our priority theater, and that is our goal. Things like microelectronics, artificial intelligence, hypersonic weapons, 5G—all of these are the areas that we are working on to get back in the driver’s seat. We have fallen behind. It is hard to say that, that America is falling behind.

You know, General Hyten said recently something that I really think is important for everyone to hear. He said that we must focus on speed and re-inserting speed back in the process of the Pentagon . . . and that means taking risk, and that means learning from failures, and that means failing fast and moving fast.

I have to say that General Hyten is certainly one of the greatest warriors of our time. We should be listening to him.

We have serious problems. We have to get policies and authorities in place to let the Pentagon move quickly and, as General Hyten put it, “fail fast.” As he retires this week, I think it is clear

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why he is a national hero. He knows what is going on.

Now, too much is hampered by bureaucracy at the Pentagon. The NDAA encourages the Pentagon to move faster, to take risks, and to jumpstart the innovation need to succeed, but we have to realize the impact.

This is really the most important thing this bill does. We take care of our troops. People talk all the time about how much we spend on military. I hear a lot of people around who don't think we need a strong military. A lot of them talk about why we spend more on our military than Russia and China put together.

Yes, that is true; but we have costs that others don't have. Communist countries don't have the cost of taking care of their people. In fact, the most important thing we do is take care of our troops. Even though China and Russia are building up and modernizing their militaries, they don't take care of their troops. They don't claim to take care of their people—and we do. The most expensive thing we do in our military is to take care of our military. We take care of the schools and the people who are out there taking the risk.

The 61st year of our troops in so many ways. It improves their healthcare. It provides education and childcare for their children, and makes sure their spouses can have meaningful employment as they move from area to area. It provides for those two things that our spouses do have, as they are moving around the country.

And so, again, we are competing with China and Russia and other countries, and none of them have this problem. This is the greatest expense that we do. Our servicemembers represent the very best in the country. If they do have to go into harm's way, it is our responsibility that they are the best prepared, best equipped, and the best led forces in the battlefield, and the bill does that.

But we don't want them to go to war. We want to prevent those wars from happening. As I said earlier, the best way we do that is by projecting strength, sending a message to our adversaries that there is no chance that they can beat us.

The NDAA is the major way that we send that message. And that is why the NDAA—the National Defense Authorization Act, the most significant bill of the year—has been enacted into law every year for the past 60 years. This will be the 61st year.

So we are going to get it passed, but it almost never comes up this late in the year. This is the disadvantage we are working from, but it always gets done eventually. We still have a lot of work left to do after this and not a lot of time to do it.

You know, we can't afford late starts. If you do late starts, something might not get done but it always gets done eventually. We still have a lot of work left to do after this and not a lot of time to do it.

As chairman of the Defense Appropriations Subcommittee, I was able to produce a bill that provided a $31 billion increase for defense compared to last year. This military bill is consistent with the spending levels approved by
the bill we are working on today. In fact, in an amendment offered by Senator INHOFE, that amendment passed 25 to 1, which will plus-up this bill.

So why isn’t the defense appropriations bill flying through this Senate just like the M-29 of 1942? Well, I will tell you. In September, the Republicans on the Appropriations Committee announced they would vote against all appropriations bills in part because Senator INHOFE’s bill doesn’t increase defense with enough spending. So this year, I just had to go back and throw it at the wall and hope that it’s spent right.

The bottom line is there needs to be plans and there needs to be planning. And I am going to tell you, the last time I checked, the $31 billion increase is a pretty good chunk of dough.

So it is simple. Do we want to fund the VA? Do we want to fund the military? Do we want to fund this country’s government? Or do we want to go back to last year’s funding? Which, by the way, would be totally inadequate, but it is what some on the other side of the aisle are advocating right now.

Look, guys, we are in a continuing resolution border. And it expires on December 3. If, in fact, we had a budget deal today, we couldn’t get an omnibus out for nearly 5 weeks.

So what I am saying is this: no more finger pointing, no more changing the rules of the game, no more foot dragging. Do what the gang of 10 did on the bipartisan infrastructure package. Let’s go into negotiations to get to yes. Let’s all work together. Let’s not play irresponsible political games with our military and with our veterans and with everybody else who lives in this country.

What are we here for? Are we here to advocate for this country? Or are we here to advocate for a political party? I ask. If the appropriations bills should have been done last September. We should be sitting at the table today. I am ready to roll up my sleeves and help in any way that I possibly can to make sure these bills get through this body and to the President’s desk so we can fund our veterans and fund the needs that they have, so we can fund our military and deal with the threats that are facing us around the world.

It is time, folks. It is time to quit talking, and it is time to start doing.

I yield the floor.

The PRESIDING OFFICER. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, my fellow Senators: On November 4 of this year, I introduced an amendment to this year’s national defense bill. This amendment focuses on the Office of Net Assessment. That office is within the Pentagon.

The purpose of the Office of Net Assessment’s purpose is to produce an annual net assessment, which is a long-term look at our military capabilities and those of our greatest adversaries. In 2019, when I began to look at Stefan Halper’s contracting work for the Office of Net Assessment, something didn’t look right. So I asked the inspector general to look into it.

For those who are unaware, Halper was a central figure in the debunked Russia collusion investigation. And I don’t have to explain the Russia collusion investigation; everybody in the U.S. Senate knows something about that and they know what it refers to.

Halper secretly, at that time, recorded Trump campaign officials during Crossfire Hurricane. Halper also received over 1 million taxpayer dollars from the Office of Net Assessment for several research projects. But the question is: Were they really research projects?

But the inspector general found some problems with his contract:

The Office of Net Assessment didn’t require Halper to submit evidence that he actually talked to the people he cited in his work, which included Russian intelligence officers.

Secondly, the Office of Net Assessment couldn’t provide sufficient documentation that Halper conducted all of his work in accordance with the law. Thirdly, the Office of Net Assessment didn’t maintain sufficient documents to comply with all of the Federal contracting requirements and OMB’s guidelines.

The inspector general also found that these problems weren’t unique to Halper’s contract. This is the inspector general speaking up on this. I am reporting what he said. So these findings indicate systemic issues within the Office of Net Assessment in the Pentagon.

Moreover, this office has spent taxpayers’ money on research projects unconnected to net assessments. In other words, they are spending money and wasting money that doesn’t deal very well with our national defense.

Two cases in point: The office funded a report titled “On the Nature of Americans as a Warlike People: Workshop Report.”

Now, that report highlighted the “level of American belligerency which is the result of the persistence of Scotch-Irish culture in America.”

That ought to get a lot of your attention. What does that have to do with the assessment of the capability of our enemies? What does that have to do with assessing the capability of the Federal Government to the defense of the American people? Or what does that have to do with assessing the capability of our enemies?

Yet another report focused on Vladimir Putin’s neurological development and potential Asperger’s diagnosis.

Now, I have highlighted these reports for the Pentagon, and I have asked for records from the Office of Net Assessment relating to some of its other work, and they still haven’t been able to provide all of the records that they ought to provide to the Congress of the United States, under our constitutional responsi-

bility, to see that money is faithfully spent according to congressional intent and that the laws are faithfully executed.

While the Office of Net Assessment was busy wasting taxpayers’ money and not responding to congressional requests, China built its hypersonic missile program.

Are we on top of that program? It has got something to do with our enemy’s capability.

As a result of all of these failures, then, like I told you, I introduced my amendment to the defense bill on November 4. The amendment would require the Government Accountability Office to determine how much taxpayer money this unit actually uses for net assessment—the reason they were set up.

Are they doing their job? Are they following the law? Are they spending the taxpayers’ money responsibly? I think I have some answers in some instances, where they have not.

The amendment would filter out taxpayer-funded research that has nothing to do with net assessment. In other words, the Office of Net Assessment ought to be doing net assessment, and that is only with the U.S. Government to do the No. 1 responsibility of the Federal Government: the national defense of the American people.

The second responsibility of this Agency is to determine the capability of our enemies to do damage to us. In other words, it is time that we find out how much money the Office of Net Assessment needs to actually do its job instead of acting like a slush fund for irrelevant or political research projects.

Of course, if this happens and the taxpayers’ money is spent properly, this, in turn, will save the taxpayers, potentially, millions of dollars a year. I encourage my colleagues to support the amendment.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The Clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. CORNYN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE ECONOMY

Mr. CORNYN. Mr. President, families back home in Texas are planning their Thanksgiving menus, but they are also bracing for steep grocery bills. Prices are up for just about every part of a typical Thanksgiving meal. The cost of a frozen turkey is the highest in history. Things like potatoes, butter, pumpkin pies, even salt, cost more than they did a year ago.

So it is not just going to cost more to eat; it is going to cost more to cook. Appliance prices have skyrocketed over the past year, as have electricity bills, and family members will have to
pay a lot more just to visit their friends and relatives because gas prices are up 60 percent from last year.

As families are being pummeled by higher prices and inflation, our Democratic colleagues are planning to hand major tax breaks to the wealthiest Americans, just not the ones you think and certainly not the ones who need the help.

Despite their cries of taxing the rich, the Democrats are plotting an absolute windfall to the wealthiest Americans. This windfall is not distributed through stimulus checks or lower tax rates. That would be far too obvious. Instead, our Democratic colleagues are relying on a range of gimmicks to be unobtrusive.

If they thought no one would notice, well, they would be wrong. For example, The Washington Post headline says it all. It reads: “The second-biggest program in the Democrats’ spending plan is the rich.”

That is not how our colleagues have tried to brand their legislation. They would portray themselves as modern-day Robin Hoods—stealing from the rich to give to the poor.

Strange in that it is really just the opposite. They talk about the wealthy paying their fair share and giving working families free programs, but the reality of the situation is far different from the picture they paint, and the rich win while the working poor are left to pay more taxes.

For example, the Democrats have included a provision that will allow millionaires and billionaires in blue states to pay less in Federal taxes. As the headline notes, this handout comes with a big price tag of $285 billion in tax breaks for the wealthiest Americans. It is more expensive than the clean energy and climate provisions in their bill; more expensive than paid family leave and education; more expensive than every program in their legislation.

And there is no denying that the beneficiaries of this ultraexpensive provision are the wealthiest Americans. According to the Tax Policy Center, about 70 percent of the benefit goes to the top 5 percent of wage earners—70 percent goes to the top 5 percent. That is people making more than $566,000 a year, roughly six times the median household income of Texans. We were not talking about saving a few dollars here and there. The top 1 percent would save an average of $14,900 next year, and the bottom 40 percent of taxpayers wouldn’t be given a dime’s worth of a break in their taxes.

The rich in America who stand to gain the most from this change are those who live in blue states, like New York and California that have higher State and local taxes. They would, under this legislation, get to deduct up to $10,000 in their State and local taxes from next year’s Federal tax return, leaving everybody else to fill up the gap.

Working families in Texas should not have to subsidize the tax bill for Manhattan millionaires. If the wealthiest people in New York or California think their State and local taxes are too high, there is a pretty simple solution: tell our federal officials to cut taxes or you can do like many people are doing these days, vote with your feet and move to places like Texas.

Over the last decade, Californians have flocked to my State by the hundredds of thousands to escape the high taxes and high cost of living. They are following their feet, and they clearly support what we are doing in Texas.

We have been happy to welcome folks from all around the country who are in search of lower taxes, affordable homes, and a better standard of living. Blue State millionaires can’t expect my constituents to subsidize their tax bills. They need to either pay their taxes or maybe they need to decide to move to places like Texas where they are not taxed at such a high rate.

Under this bill, two-thirds of those making more than $1 million will receive a tax cut next year. Let me say that again. The vast majority of millionaires will under this Democratic legislation, receive a tax break, and nearly 90 percent of those earning between $500,000 and $1 million will receive a tax cut. This is a sharp contrast from how middle-class working families are treated.

Less than a third of those earning between $20 and $100,000 a year will receive a significant tax cut. And the following year, 2023, those savings dramatically decrease.

Year over year, the tax provisions in this bill change dramatically. In fact, there is not a single year over the next decade in which each tax provision will be used at the same time.

Democrats aren’t rewriting the Tax Code to make millionaires pay their fair share; they are gaming it to create the illusion of fairness.

Some programs begin immediately and end after 2 years. Some don’t even take effect for a couple of years. These are plain budgetary gimmicks. After all, they can’t afford to give millionaires a tax break and dole out increased social welfare programs. The fact of the matter is, the millionaire tax break in their legislation is the largest handout for wealthy Americans. But it is not the only one in the bill.

This legislation would allow people earning hundreds of thousands of dollars to receive up to $12,500 from the taxpayers if they buy an electric vehicle. They also can receive up to $900 to purchase an e-bike, which is obviously less green than a good old-fashioned regular bike.

The Democrats’ reckless tax-and-spending bill also creates handouts for union bosses, trials lawyers, wealthy media corporations, and a host of powerful friends of the Democratic Party. All of these programs may appear to some of our colleagues’ wealthiest supporters, but it will only make life harder for working families.

Families earning just over the median household income, which is just under $62,000 in Texas, could see their childcare costs soar by as much as $13,000.

And the climate policies in this bill are sure to drive up energy prices even higher. Gasoline already costs 60 percent more today than it did a year ago. That is a combination of inflation and the policies of this administration which attack the very energy industry that we depend upon to provide affordable energy.

If the Democrats manage to get this grab bag of radical climate policies signed into law, prices at the pump will go even higher.

So this bill will not, as advertised, help America to build back better. It will ensure that we never reach the pre-pandemic recovery that was the envy of the world.

No public relations campaign can hide the truth about this bill. This is a bill that rewards the wealthy, not the working families we need to support.

Tell your elected officials to cut taxes for working families, and certainly not the ones who need the help.
mandate in particular remains the subject of ongoing litigation, and there are other requirements placed on other specific groups of workers outside of the OSHA mandate and, therefore, outside the scope of the order issued by the Fifth Circuit.

Now, I have spoken previously on the situation that members of our Armed Forces face and on things that people who work in the healthcare profession face—difficult things, challenging things, things that threaten their livelihood and cause a lot of problems for workers.

I have offered various bills to help those groups of Americans keep their jobs and make sure that they have the right to make their own medical decisions. I am fighting against the mandate. I am not fighting against the vaccines. I am vaccinated. I have encouraged others to be vaccinated. I see the development of these vaccines as the crowning achievement of a modern medical miracle, one that is protecting so many millions of Americans from the harms of COVID.

But this one-size-fits-all dictate from Washington certainly isn’t the answer and, in fact, members of government can’t be. I have heard from hundreds of Utahns who are personally at risk of losing their jobs and their livelihoods due to this mandate. Many of these Utahns have religious or health concerns about the vaccine.

President Biden promised these mandates would include exemptions for those people in those categories specifically, but in reality they are being dismissed or placed on unpaid leave or pushed into retirement with reduced benefits.

These are good people, everyday people. Many are dedicated frontline workers. Far too many are just trying to make ends meet and feed their families. It shouldn’t be too much to ask to allow them to continue doing that unencumbered by their own government in their efforts to do that.

These mandates will just push people out of work and make many of them not only unemployed but unemployable outcasts in their chosen professions, professions for which they have spent years studying and learning and receiving certifications just in order to work. What a tragedy.

This mandate would not just harm those affected directly by the mandates. It absolutely would harm those directly affected by them, but the harm extends much further than those directly affected. It would affect all of us, in fact.

The American economy is currently facing a labor shortage the likes of which we haven’t seen in decades. Businesses across the country are struggling to find enough workers just to keep their doors open, let alone produce and survive at full efficiency. President Biden’s mandate will add to our high unemployment and our low labor force participation rates, and it will put even more pressure on inflation—inflation that is making it harder for Americans everywhere, especially the poor and middle-class Americans, people living paycheck to paycheck who find that every dollar they earn is buying less of everything, from gas to groceries, from housing to healthcare.

Federal Reserve Chairman Jay Powell recently warned that “hiring difficulties and other constraints could continue to limit how quickly supply can adjust, raising the possibility that inflation could be flatter and more persistent than we expected.”

The mandate is only worsening the problem.

Now, I believe the Biden administration recognizes the harms this mandate will cause for our workforce. It is evident in the administration’s date of compliance extension to January 4 that this is the case. Now, I have to ask an obvious question here—one that I think should be obvious, should be intuitive. If the forced vaccination of our entire Federal workforce, including employees and contractors and subcontractors—if forcing the vaccination of every one of these workers were truly an emergency, drastic to the point that it was necessary to fire all contractors, and subcontractors, even those working remotely in their own homes, must be vaccinated immediately, then why would they risk delaying compliance?

They can have it both ways. If they want to say that this is an emergency; this is dire, so dire that we have to force every contractor, subcontractor, and Federal employee to get vaccinated immediately and we have to fire them if they don’t—if that is truly so emergent—then why delay it to January 4? Why delay it at all?

Now, to be sure, it would be bad. And, to be sure, I am glad they have extended it. Perhaps, maybe, this means they are reconsidering this awful, horrible step, this horrible thing that they are inflicting on those who can least afford to absorb something like this. But it really does undercut the emergent nature of the situation, and it undercuts their underlying reasoning that this has to happen immediately, so immediately that we have to fire all of them if they won’t submit to Presidential medical orthodoxy.

This mandate is even so drastic that it includes everybody and all contractors, including all those who work remotely, who don’t even go into a workplace. And it also includes even those who have natural immunity from a previous case of COVID-19, something that some studies have indicated will provide 2 times the immunity of a vaccine.

Again, vaccines are great. I have been vaccinated. I have encouraged others to do the same. Vaccines are protecting hundreds of millions of Americans right now. But why not take into account their natural immunity, and why on earth would you fire someone who already has natural immunity or who works from home? That makes absolutely no sense.

This mandate simply goes far beyond what is reasonable. It begs all sorts of questions. Why are you doing this?

So, today, I am offering a bill to help another group—yet another group of people—a group consisting of people protected by the Fifth Circuit’s halting of the general vaccine mandate. Federal workers are still facing a vaccine requirement from the Biden administration. Almost 3 million workers in this country are employed by the Federal Government. Many of them have reached out to me and my office and are concerned about losing their jobs due to this mandate. I know I am not the only one. I know that every single Member of this body has received phone calls, letters, emails, and other pleas for help from people who don’t want to lose their jobs.

This is a response to them. This is an effort to try to help them and part of my ongoing effort to reemphasize the fact that it doesn’t have to be this way. My bill, the Protecting Our Federal Workers from Forced Vaccination Act, would prohibit an Executive Agency from requiring its employees to receive a COVID-19 vaccine. It is a simple solution to prevent more unemployment and to protect countless Americans from being forced out of the workforce.

This bill will help protect Americans’ right to make their own medical decisions and will help protect our economy as it strains under multiple crises and as the holiday season comes around.

I encourage and sincerely implore all of my colleagues to support it.

To that end, Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of S. 3243, which is at the desk. I further ask that the bill be considered read a third time and passed and that the motion to reconsider be considered made and laid upon the table.

The PRESIDING OFFICER (Mr. KING). Is there objection?

Mr. PETERS. Reserving the right to object.

The PRESIDING OFFICER. The Senate from Michigan.

Mr. PETERS. Mr. President, in an ideal world we would not need a vaccine mandate. In the ideal world the vast majority of people who can get vaccinated would heed the advice of scientists and of public health officials and take the very simple step to get vaccinated so that we can get this pandemic under control.

But, unfortunately, our reality is very different. We have been working to contain this virus and manage this unprecedented health crisis for nearly 2 years now. It has cost us more than 765,000 Americans lives. Millions of other Americans have been infected and may face lifelong health challenges as a result.
It doesn’t have to be this way. We have safe, effective, and lifesaving vaccines that are now, thankfully, available to a significant number of Americans. Vaccines are our best tool to finally get this pandemic under control, and require folks who are already vaccinated is just simply common sense. We are all tired of this pandemic, and we all want it to end. We are tired of wearing masks because some folks refuse to get vaccinated. We are tired of being concerned if we could unwittingly be exposing our vulnerable family members who are taking every precaution. We are tired of waiting for enough people to get vaccinated so that our schools and our businesses and our daily lives can just get back to normal.

And we are tired of emergency rooms and healthcare workers getting overrun by COVID cases from people who are not vaccinated, when we already have the best tool to prevent the spread in the first place. Our frontline healthcare workers are being crushed by the consistently high number of cases, and public health experts are predicting that yet another spike will likely hit this winter unless people get vaccinated.

In my home State of Michigan, the number of unvaccinated patients hospitalized with COVID is once again climbing. A headline from today noted that Michigan has just reached a new pandemic record with the highest COVID case average in the Nation and that deaths across the State continue to rise. Emergency rooms are packed, and in some areas patients are forced to wait for hours or for days to be admitted.

There is one key factor that is driving this horrific scenario: 88 percent of the cases, 88 percent of the hospitalizations, and 88 percent of the tragic deaths were all people who were unvaccinated.

We can put an end to this nightmare by getting more Americans vaccinated. You know, we require hardhats on construction sites. We get vaccinated to protect ourselves against a whole number of health risks. And we do it because we know it saves lives and it keeps people healthy.

The answer is simple: Get vaccinated.

Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. LEE. Mr. President, I appreciate the thoughtful remarks and the insights of my friend and distinguished colleague the Senator from Michigan. He is someone with whom I enjoy working, and one of the many things I appreciate about him is that he puts a lot of thought into everything he does. And I have always known him to be considerate, and I appreciate that about him.

I also am in agreement with the fact that in an ideal world people would be getting vaccinated more than they are. And in that world, if more people got vaccinated, I do think there would be fewer hospitalizations, fewer deaths, and fewer COVID infections. And there are a lot of data sources supporting that.

I also agree that we are all tired as a country, as individuals, as families, regardless of what State we live in. We are tired of the pandemic, of the EIOs being overcrowded, and things like that. These are all things we want to do away with. And I also agree with my colleague from Michigan that those things really would be alleviated if more people got vaccinated.

In my mind, the question that we are discussing here isn’t about a disagreement over the objectives that we have got; it is more about how to get there, who has authority to take what action and what consequences might attach to government action.

Notwithstanding the fact that my friend from Michigan and I both agree that the American people, to the extent they have been vaccinated, are benefiting as a whole from being vaccinated, it does not mean that everyone is going to agree.

It doesn’t get rid of disagreements that exist, in some cases, because of our religious belief or other moral conviction—one that I don’t happen to share and probably most of us in this body don’t happen to share, but that some people have.

There are some people who, for religious or moral reasons, believe that they shouldn’t be vaccinated. There are others who have a specific medical condition that has involved receiving medical advice from board-certified medical doctors that someone shouldn’t get this particular vaccine.

I am not a doctor. I am not a scientist. I do not understand these things. But I do know what I hear from Utahns, which is that a number of them have cited medical conditions of one sort or another; previous personal or family medical history that has signaled particular sensitivity to vaccines in general; or, in some cases, when people have autoimmune conditions of one sort or another or a combination of them.

In some cases, doctors are concerned about their patients’ condition, in-flaming the immune system of particular patients, and on that basis advise their patients with particular, somewhat unusual medical histories not to be vaccinated.

There are others, still, who might not fit into either of these categories, but might consist of people who have already had the coronavirus and have recovered from it at some point over the last 18 months.

The studies have indicated that natural immunity is real, and that have suggested that natural immunity can convey comparable immunity to that available under the vaccine. Some
much as I love the fact that the vac-
cines are available and are a real bless-
ing—something of a modern medical miracle—I can’t get comfortable with the idea of using violence to force peo-
ple, who have another opinion, to com-
ply.

It seems morally problematic and
moral irresponsibility—judging for that mat-
ter, indefensible—for the government to
tell someone, “If you don’t get this shot, you will get fired,” and, in fact, if you fire
this person if this person does not get
the vaccine, even if this person has a
good-faith religious belief against it, even
if this person has natural immu-
nity or has some particular medical
condition causing his or her board-cer-
tified medical doctor to advise against
receiving the jab.”

That isn’t moral to say to that per-
son, “You didn’t comply with a Presi-
dential medical edict, so you are
fired” and to tell the employer, “If
you don’t fire that person, you are
going to be the subject of punitive fines
that will cripple any business.”

And I literally mean any business. I
don’t think there is a business in Amer-
ia that could survive the crippling, delib-
erately cruel fines that are levied
under them—not a one.

This isn’t right. It is not moral. Deep
down we know it.

In fact, according to a recent poll
carried out by Axios—
hardly a rightwing publication—it in-
volved a question, and the poll ques-
tion was something along the lines of:
Should a person who declines to be vac-
cinated be fired for not being vac-
cinated?

And 41 percent agreed that that is
OK—14 percent. Only 14 out of 100
Americans said: Yeah, that makes
sense, that is OK; fire this person, fire
him, fire her. They don’t matter.

It is compounded when you look at
the tragedies imposed by the individual
circumstances. The soldier; the sailor;
the airman; the marine; the TSA work-
er; the Federal contractor; the em-
brary; the employee of a subcontractor of a company
with one Federal contract who does
does mostly non-Federal work; the mom; the
dad; the worker working in a factory, in a
school, in a floral shop—if any of those
either have a Federal contract or have
more than 99 employees, all of those
people are having their livelihoods
threatened.

It is not just a job. It is, in many
cases—as is the case in the healthcare
industry, for example—people who have
spent a lifetime acquiring the skills
and professional certifications, the de-
grees, the training, the education nec-
 essary, who order to participate in that
profession.

Many of these people, by the way,
throughout the darkest hours of the
pandemic, were the people working
hardest to protect Americans, to make
sure they had access to the healthcare
they needed.

Those same people are now being
told: You are not good enough. You
don’t deserve a job. You are going to be
fired, even if you have a medical condi-
tion that precludes it.

Even if this could be morally justifi-
ced, which it can’t, one must ask the
question asked by the U.S. Court of Ap-
peals for the Fifth Circuit: Does Con-
gress, does the Federal Government,
have the power to order such a wide-
spread vaccine mandate?

It doesn’t.

The OSHA mandate, for example,
constitutorally, it would have to be
predicated on Congress’s authority
under the Commerce Clause, which
includes the power to regulate trade
or commerce between the States, with
foreign nations, and with the Indian
Tribes.

Even as that provision of the
Constitution has been interpreted really
broadly since 1937—even under that
broad interpretation, one that has seen
only three acts of Congress over the last 84 years being deemed outside of
Congress’s authority under the Com-
merce Clause—when you have to
try hard to pass legislation predi-
cated on Commerce Clause authority
that doesn’t fall within it, but even
under that, this doesn’t pass the test.

It is not, by its nature, economic ac-
activity. In fact, it is not activity. You
are punishing nonactivity.

Even under these high watermark
precedents from the New Deal era es-
tablishing a very deferential standard
of review for exercises of Commerce
Clause authority by Congress, this
doesn’t even pass that. And even if it
did, which it doesn’t, you would still
have to identify the case of the OSHA
mandate a definable delegation of au-
thority from Commerce using some in-
telligible principle authorizing this
kind of action.

You will not find that. It is not there.
I have reviewed upside down, sideways,
backwards, forwards the statutory text
at issue with regard to OSHA. It does
not provide this authority. The moral
authority is lacking. The constitu-
tional authority is lacking. There is no
power delegated by the Congress to
OSHA to do this. It is not defensible.

I am glad that delays on some of
these mandates have been imposed. I
am glad that OSHA is at least agreeing
to comply with the order of the U.S.
Court of Appeals for the Fifth Circuit;
and, at least for the duration of that
litigation, enforce will be halted.

I hope and I fully expect that the ul-
imate resolution of that case will be
consistent with what the Fifth Circuit
ruled last week. In fact, I have little
doubt that it will be.

This is, in some ways, the most bra-
zen act of Presidential overreach that
we have seen in a single directive, since
President Harry Truman, on April 8,
1952, issued an order seizing every steel
mill in the United States for steel pro-
duction related to the Korean war ef-
fort. More fully, the U.S. Supreme
Court was able to intervene and, within
a couple of months, invalidated that
action.

This one is even clearer than that;
but, more importantly, this one is
more emotionally compelling than that.

That unconstitutional act of Presi-
dential overreach affected a handful
of steel companies. It certainly affected
thousands upon thousands of workers.
It didn’t have the ability to affect di-
rectly or indirectly every single man,
woman, and child in America. This one
does.

That is one of the reasons why these
moral and statutory and constitutional
questions matter so much. That is why
I have been coming to the floor every
day, and why I will continue to do so
indefinitely as long as it takes.

I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. VAN
HOLLEN). Without objection, it is so or-
dered.

The Senator from Washington is rec-
ognized.

Mrs. MURRAY. Mr. President, I ask
unanimous consent that the order for
the Latino Caucus be rescinded.

The PRESIDING OFFICER (Mr. VAN
HOLLEN). Without objection, it is so ordered.

NATIVE AMERICAN HERITAGE MONTH
Mrs. MURRAY. Mr. President, I rise
today in recognition of Native Amer-
ican Heritage Month. As a Senator
from Washington State, I am proud to
represent 29 federally recognized
Tribes.

In Washington, we understand the
importance of the sovereignty of Tribal
Governments. And anyone who knows
me, I believe a commitment is
more than just words. It is about ac-

cion.

It is at the start of this year, when we
passed the American Rescue Plan to
get America up and running again, it
was the single largest Federal invest-
ment in Tribes ever—more than $32 bil-
lion for Tribal Nations.

Since then, I have spoken to many
Tribal leaders in Washington State
about what this has meant for our
Tribal communities.

A housing grant to the Muckleshoot
Indian Tribe helped provide homes for
an additional 25 families.

The Tulalip Tribe helped provide
education and job re-
training.

The American Rescue Plan helped
the Tulalip keep Tulalip-owned busi-
nesses, who have been struggling since
the pandemic, afloat.

Action on our commitment has
helped Tribal members in my home
State stay housed, get back to work,
keep their small businesses open, and
continues to make a difference in a
thousand different ways.

Now, these outcomes weren’t inev-
table. They happened because of inten-
tional and specific policy decisions this
Congress made to support Tribal Nations.

So if we are serious about showing a real commitment to Tribal communities during Native American Heritage Month, then we need to continue to prioritize Tribal communities in all of our policy-making.

Infrastructure in Indian Country—everything from roads to bridges, to broadband—has been underfunded for too long. The bipartisan infrastructure bill, signed into law, will make $13 billion in direct investments in Indian Country, with tens of billions more in Federal grants and future funding opportunities. This will mean clean drinking water, access to high-speed internet, transit to connect communities, and more.

Now we have another opportunity to show our commitment to Tribal communities with the Build Back Better Act. Just like everywhere else in this country, childcare is a crisis for Native communities—especially young children. It has gotten so bad that Tribal communities are paying nothing at all for childcare—and it is going to help get more slots open everywhere we need them, so parents won’t be stuck on waiting lists for months on end.

It is our government’s duty to make investments like this one in Indian Country because if we really believe in Tribal sovereignty and acknowledging the role our government has played in centuries of persecution Native peoples in this country have faced, we must also act to create real opportunity for people; action on quality, affordable childcare, housing, home care, and more.

Build Back Better is going to make a big difference for Native communities, but there is more we need to do to address the specific needs of Native communities.

We have to build on President Biden’s Executive action to address the epidemic of missing or murdered indigenous women and girls. We must reauthorize the Violence Against Women Act and strengthen that legislation to empower Tribal Nations to hold perpetrators of crimes committed on Tribal lands accountable. And living up to our commitments is also about representation and a seat at the table.

I was overjoyed to strongly support the confirmation of Deb Haaland, who is already blazing a trail as a historic Secretary of the Interior and a powerful voice for Tribal interests.

I was proud to recommend Lauren King, a citizen of the Muscogee Nation and a Tribal law expert to serve a lifetime appointment as a Federal court judge in Washington State—the first Native American Federal judge in my State’s history and just the sixth ever in American history. And I am glad to see more than 50 Native Americans serving in key political positions throughout the Biden administration. I look forward to seeing many more.

So, on this Native American Heritage Month, let’s resolve to build on the important work this Congress has done so far to support our Native communities. As a voice for Washington State—Tribes in the U.S. Senate, I will always advocate for Indian Country and fight to ensure the Federal Government lives up to its sacred commitment to indigenous people across the country.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

Mr. BROWN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROWN. Mr. President, this week, for the fifth month in a row—and the Presiding Officer has been standing with us on this important issue—parents in Ohio and Maryland and all over the country, once again, see $250 or $300 or, in some cases, even $600 in tax cuts directly into their bank accounts.

Think about this: 90 percent of Ohio children, this year, will have at least a $3,000 tax cut, not a deduction. This is real money in people’s pockets. This is 90 percent of Ohio families who will get at least a $3,000 tax cut, and that is if they have one child. If they have more, they will get a bigger tax cut.

You know, we know how hard parents work to raise their kids and at raising their kids. Any parent knows how much work it is to take care of children, especially young children. It has gotten only harder and harder over the last year and a half.

I hear some of my colleagues, especially on that side of the aisle, say—you know, they forget what hard work it is to raise children. And I watched what we were able to do with this with the chairman of the Finance Committee who just walked in, Senator Wyden, and his leadership on this largest tax cut for working families in my lifetime.

So often, we know hard work doesn’t pay off. Think about the past few decades: The stock market went up; productivity went up; executive compensation has been stratospheric; yet, essentially, wages for most workers in this country have been flat.

And you know how expensive it is to raise kids. Healthcare, school lunches, diapers, school supplies, braces, sports’ fees, camp fees—the list never seems to end. And one of the biggest expenses for so many families is childcare. So parents feel like they are stuck. The more they work, the more expensive childcare gets.

One of the reasons that people haven’t returned to the workplace as much as some academics or some professors or somebody predicted—it is not because we are providing unemployment compensation. That just kept them alive. It is because they can’t find affordable, accessible, safe childcare. So that is why parents feel like they are stuck. It is why we passed this largest tax cut for working families ever.

It is about finally, finally making hard work pay off so you can keep up with the cost of raising a family.

One of the joys of this job—and I know that the Senator from Oregon and the Senator from Maryland share this because they do things like this—is we put on our website: What does the monthly child tax credit mean to you?

We started this in July. We voted on it, on this floor, on March 6. Five days later, President Biden signed the law. We went to talk to a mother about getting these checks out quickly. On July 15, 4 months after we voted for it—not even 4. Help me with my math. Three months after we voted for it, these checks started showing up.

In my State, it was 2.1 million checks that went out. There were 2.1 million individuals who got this child tax credit—you know, a million-and-some families because, obviously, some have more than one child in a family in many cases. Then they got a check on August 15; September 15; in October; and just this week, on November 15.

We know it cut the rate of child poverty by 40 percent. We also know that it helped families with school expenses or with, maybe, putting a little bit of money aside for Bowie State or Stark State, a community college in Ohio.

Maybe it was just a way that families—I mean, we know there are so many families who are really anxious at the end of the month. Maybe we don’t talk to enough families like this anywhere, but families who are anxious at the end of the month, getting this $200 or $300 or $600 check in the middle of the month relieves the anxiety so many families have just to pay the rent because we know so many families, in that last week of the month, cut back on food a little bit, cut back on trying to figure out a way to get through the month so they can pay their rent at the beginning of the next month.

So, on this website, when we ask people what this means to you, we just get the most wonderful stories.

Lisa said the tax cuts help her afford “diapers and school supplies . . . and now we can put a little into starting a 529 college fund.” It is so exciting. Now, we can finally “save for education.”

Lin from Columbus: “It kicked in right at a time when kid birthdays were happening for us, plus back to
school shopping, and several unexpected vehicle repairs were needed as well—it’s made a very helpful impact.”

The Presiding Officer, Senator VAN HOLLEN, sits on the Banking and Housing Committee with me. He knows that, before the pandemic, 26 percent of renters in the United States paid more than half of their income in rent, and if one thing goes wrong—your car breaks down; you get sick; your child gets sick; you miss a few days of work—you can be evicted. This will stop that from happening in many cases.

Jeff from Cincinnati said it helps him afford “car insurance for a 17-year-old,” a 17-year-old who has a part-time job after school.

The story we hear over and over is how expensive childcare is, how parents use this money to afford childcare so they can go back to work or, maybe, work more hours than they are working.

CeCe said her tax cut helps her pay for daycare. “Daycare is the same amount as my mortgage payment for 4 days a week! So this is so, so helpful,” she said.

Sarah said: “It has been critical as I started my unpaid maternity leave at the end of June. The insurance companies were not allowing me to return to work in the state of Ohio, so I had to go on unpaid leave for 10 weeks. I mean, we want people to be able to give birth and then stay with their child, their newborn, for a period of time. Many, many, many people in Baltimore, in Cleveland, in Portland don’t have any kind of leave—and how important it is that they can, maybe, stay a little longer with a newborn child and bond with her or him.”

Courtney, from Athens, near the Ohio River, said the CTC is “slightly more than half the cost of part-time daycare tuition per month—much appreciated help getting kiddo back into childcare and keeping [my husband and me] in the workforce.”

These tax cuts mean more parents can afford childcare and can afford to keep up with the extra cost of raising kids.

When these tax cuts are fundamentally stripped down from everything else, it is about the dignity of work. All work has dignity, whether you punch a clock or swipe a badge; whether you work for tips; whether you are on salary; whether you are raising children or caring for an aging parent. Raising children is work. We never should forget that: raising children is work.

It is a hell of a lot more work than moving money from one overseas bank account to another, as this body falls all over itself over the years giving tax cuts to rich people.

It did not take Senator MCCONNELL from rewarding the wealthiest CEOs and hedge fund managers and Swiss bank account holders. We remember what happened. When they did their tax cut 4 years ago, everybody in our—in my, look at the difference. Four years ago, they passed the tax cut. You could see the lobbyists lined up in the hall outside Senator MCCONNELL’s office. Four years ago, we passed the tax cut. Almost all Republicans voted yes; almost all Democrats voted no. Seventy percent of that tax cut went to the richest 1 percent.

Earlier this year, we passed the largest tax cut for biggies, families everywhere. Everybody on this side voted yes; everybody on that side voted no. I mean, whose side are you on? Apparently, we know that. Senator MCNELL and his crowd—they are always for the billionaires, they are always for the rich. Senator WYDEN and the Finance Committee are fighting for middle-class tax cuts.

They then promised—and we all heard this—they promised that these big tax cuts for billionaires would trickle down, and they would hire more people, and they would pay higher wages, and the economy would grow. Well, it didn’t exactly work that way. They kept so much of it for themselves. They spent that money on stock buybacks, and we know what happened then.

So the question is, Do you want tax cuts for billionaires and corporations or do you want tax cuts for working families? We want tax cuts for working families, and so do Americans, whether you live in Denver or in the suburbs from all over the country overwhelmingly from all kinds of backgrounds, from Chillicothe to Xenia, to Springfield, to Portsmouth, to Ravenna—all over the country.

Every single month now, we are showing parents and workers we are on your side. We will not stop fighting to make sure parents’ hard work pays off for years to come.

The child tax credit—we will make it permanent. It may not be this year, but we will make it permanent. As Senator WYDEN has said, it will become a lot like Social Security. It will be transformational. Americans will love it the way Americans have gotten used to and depend on and love Social Security. It is part of who we are as a nation.

I yield the floor.

Mr. WYDEN. Mr. President, in a few moments, I intend to put forward a request for the Senate to take up and approve the nomination of a very special person. Once again, my friend Chuck Sams, President Biden’s choice to lead the extraordinarily important National Park Service. I am just going to take a few minutes to talk about Chuck Sams and make sure the Senate understands why this is the right person for this very important job.

First of all, I would say to the Senate, we have heard the national parks described as America’s best idea. That is because they form a network of treasures that weave the country together, tying one to another. They are woven into the fabric of every State and territory. They are woven into the fabric of every community, living in every corner of our country.

Over and over, we hear from people that parks are a very important job. Whether it is wildfire, floods, or droughts. The list goes on and on. That is why this is the right person for this important job.

Chuck Sams is a veteran of the U.S. Navy. I know Chuck Sams to be a role model in the stewardship of America’s lands, our waters, our wildlife, and our history.

The Congress and parkgoers are going to be able to count on him in the months and years ahead, after he is confirmed, because we know the Park Service faces some very big challenges. There is, for example, a multibillion-dollar maintenance backlog. The parks are often very crowded. They are confronting the effects of the climate crisis, whether it is wildfire, floods, or droughts. The list goes on and on. There has been for too long—too long—a workforce culture fraught with gender discrimination and harassment.

For almost 5 years, the Park Service has been without a Senate-confirmed Director. The reason why I am here is, I would say to the Presiding Officer and to my colleagues, I am here to make sure that the Senate doesn’t wait another single day after 5 years to confirm a capable leader, Chuck Sams, as the Director to address these challenges I have described. He is the right nominee at the right time. I want Senators to know I base this not on reading a bunch of resumes or bios about Chuck Sams. I have seen it myself. I have seen Chuck at work in our State. He is committed. I support him 110 percent.

Therefore, Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider the following nomination: Calendar No. 508,
Charles F. Sams III, of Oregon, to be Director of the National Park Service; that the nomination be confirmed; the motion to reconsider be considered made and laid upon the table with no intervening action or debate; that no further motions be in order with respect to this nomination: that the President be immediately notified of the Senate’s action; and that the Senate then resume legislative session.

The PRESIDING OFFICER. Is there objection?

The Senator from Alaska.

Mr. SULLIVAN. Mr. President, reserving the right to object, I want to commend my colleague from Oregon and his comments. As a matter of fact, I don’t disagree with pretty much anything he said.

I had my first good meeting with Mr. Sams this morning, and I would agree, I think he is qualified. I am particularly impressed with his background as a Native American, as a veteran.

One thing I like to talk a lot about is how our Alaskan Native American populations serve at higher rates in the military than any other ethnic group in the country—special patriotism. Mr. Sams certainly carries that tradition on quite well.

And I have already talked to Senator WYDEN. I intend to work with him and Mr. Sams on quite well.

And this has been an Agency, to be quite frank, that has been abusing its livelihoods. And, as you can imagine, this Agency has outsized influence in Alaska because, for decades, it has been saying about the National Park Service would interact with Alaskans. For decades, Alaskans were saying that the way in which the National Park Service was treating Alaskans—by the way, Alaska Native in particular according to the law, was not according to ANILCA.

And it wasn’t just Alaskans saying this. In the last 4 years, there have been two U.S. Supreme Court decisions—they are referred to as the “Sturgeon” decisions—where an Alaskan who wanted to go hunting sued the National Park Service, and it went all the way to the Supreme Court. And the U.S. Supreme Court twice in the last 4 years, 9 to 0, to 9-0 and 9-0, agreed with Alaskans that the National Park Service was not following the law as it related to ANILCA.

As Justice Kagan, who wrote one of the opinions, said, “Alaska is often the exception, not the rule...” issues relating to Federal lands and access. Now, as you can imagine, the National Park Service did not like getting slammed by the U.S. Supreme Court twice 9-zip, but we liked it. It was well-earned.

So I want to work with Senator WYDEN and Mr. Sams on further conversations, soon—we are not trying to block this; I know the National Park Service needs leadership, and I think he would be a good leader—but to look at making sure the implementation of these two U.S. Supreme Court decisions, 9 to 0, are followed through by the entire bureaucracy. It is not much to ask.

These are topics I raised with Mr. Sams today. He seemed to be in agreement with me. But these issues are enormously important to the people I represent.

And I am going to mention one final thing, and it is not really in Mr. Sams’ area of expertise, but I mentioned this to him as well.

All Americans have been experiencing economic, pandemic-related pain over the last 20 months. My State, I think, has been hit as hard as any other State, particularly on the economic side. And I want to just raise this topic right now because I am going to come down on the Senate floor and talk about it a lot more here. But it relates to some of these issues.

This administration, the Biden administration, in the last 10 months, has issued 19 Executive orders or Executive actions solely focused on my State—19. There is no other State in the country—not Maryland, not Oregon, not other State in the country—that is getting this kind of attention from the new administration, and it is attention that we don’t want because almost every one of these Executive orders and Executive actions is hurting working families, is hurting our economy, is hurting access to our lands at a time when we need more access to our lands.

I just want to ask my colleagues, respectfully, especially on the other side of the aisle, could you imagine a Republican administration coming in and saying, “We are going to issue 19 Executive orders and actions targeting Maryland or Delaware or Pennsylvania or Massachusetts”? Senators would be on the floor, rightfully, sticking up for their State and their fellow citizens.

This is a challenging time right now. Working families are hurting with inflation, high energy costs, and we have an administration in the White House that thinks it is fine to target the great State of Alaska. Well, it is not fine. It is not fine. It is a war on working families in my State, and I would hope all of my colleagues would recognize that this isn’t appropriate. This isn’t appropriate.

And it is not just these actions. The White House has made it known that it has gone to financial institutions throughout the country—banks, insurance companies—saying: Don’t invest in American energy projects in the Arctic—also known as Alaska.

I just want to put this against Mr. Sams. My colleague from Oregon I have a lot of respect for. But, literally, every major project that is resource development, employs people, helps working families—by the way, there are some that aren’t economic. There is a law that we passed in the U.S. Senate 3 years ago to help Alaska Native Vietnam veterans. It was my bill. I care deeply about these great warriors who were really screwed by their country when they came home from Vietnam.

The administration has delayed the implementation of that bill for 2 years. There will be Vietnam veterans—Alaska Native Vietnam vets—in my State who will die before they get the benefit because they just thought they could do another hit on Alaska.

I ask my colleagues to just put yourself in my State’s position. None of you would accept that. And I am going to start talking about it, and I am going to start raising these issues. And I hope I can get some of my colleagues—Republicans and Democrats—to maybe reach out to the White House, going: Hey, this really isn’t appropriate. Alaska has had a rough time. Everybody has had a rough time in America, but really? Nineteen Executive orders and actions?

These are just the Alaska-specific ones. There are broad Federal ones that impact us all. But I want to work with Senator WYDEN. I want to work with Mr. Sams, particularly on that issue I raised earlier. I think he is
going to be very well qualified. I admire his desire to serve, his background, and especially his Navy background.

And I intend to lift my hold very soon, but right now I am objecting. But my goal is to have this nominee, who is qualified, after further discussions with me and Senator Wyden, moved to be confirmed by the U.S. Senate. But, for now, I object.

The PRESIDING OFFICER. The objection is heard.

The Senator from Oregon.

Mr. WYDEN. Mr. President, I just want to tell the Senate where we are now and what is ahead.

I have asked unanimous consent to confirm an Oregonian whom I have watched in action, Chuck Sams, to head the National Park Service, which has gone leaderless for 5 full years.

Now, my colleague has said, to his credit, that Chuck Sams is very well qualified, among other good things, that he had good discussions with him. And I would just say to the Senate and my colleague—and I have worked together often here in the Senate. I remember, as chairman of the Finance Committee, we had some issues on the Budget. And we got together, and within 20 minutes we had it worked out.

So I would just say to my colleague, I am ready from this minute on to get together with you, to get together with Mr. Sams. We are going to be here, we are going to be here, we sounds like, at least today, and then we will have to see.

But I just hope we can work this out because I listened to the Senator very carefully. And I have been to Alaska. I went with your colleague Senator MURKOWSKI when I was chairman of the Energy Committee. And I heard my colleague's concerns.

Well, to get those kind of concerns addressed—many of them—you have got to have a Director; you have got to have somebody you can hold accountable, somebody you can get on the phone and you can talk to about issues. Chuck Sams is exactly that kind of person.

So I want my colleague to know we are going to be here the rest of today and, it sounds like, some of tomorrow, but we will have to see. I hope that we can get this worked out, and I want to pledge to my colleague that I will, myself, and we are going to work with him on issues he has with the State, just the way we did on those tax concerns with respect to the budget. And let's see if we can get this done before we leave this week because the longer we wait—I mean, just think of the Park Service here after the holiday. There are going to be a lot of people—because the Park Service is part of the treasures of the United States—and who are going to want to enjoy those facilities.

So this has real world consequences. I looked forward to working with my colleague, and I hope—I hope—we can get this done before we leave, and I pledge to my colleague that I will work with him to respond to his concerns not just about this nominee in the context of this nominee but in the context of the concerns he has for his State.

I yield the floor.

The PRESIDING OFFICER. The Senator from Oregon has yielded the floor to the Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to thank my colleague from Oregon, and I will commit to working with him to try and get this done before we head out to recess.

We know the treasures of Alaska. As I mentioned, two-thirds of all the Park Service in the country is in my State, which is why I want to make sure I am having follow-up conversations—I had a good one already with Mr. Sams—to get commitments on a few additional issues that matter deeply not just to the Park Service and for America but, really, to my State. But you have my commitment to work with you and Mr. Sams on a few more of these issues.

And, if I may, for all my colleagues, right—and I am glad to hear Senator Wyden mention this—this shouldn't be happening with one State. There is a Biden White House war on the State of Alaska. No one is getting treatment like this, and it shouldn't be this way. Alaska, my State was in attacking Maryland or Oregon like that, I would call the White House going: Hey, lay off, guys. Lay off.

So I sure hope some of my colleagues—Republican and Democrat—can consider that. Joe Biden, the President, that you know, the war on working families in Alaska is not really a good idea. They are Americans, too, and they have got a lot of resources to produce for our great Nation, which we need right now.

So with that, I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

CORONAVIRUS

Mr. LANKFORD. Mr. President, on September 9, President Biden told the American people that he was losing patience with them and they needed to get vaccinated right now. He laid down a series of Executive orders on Federal employees, on Federal contractors, on companies that had—individuals that had 100 employees or more, on individuals that worked in any healthcare-related, anything that dealt with Medicare or Medicaid, it reached out to millions of people.

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He set a date that was within 3 months, knowing full well it would take months to actually write the rule and it would create chaos across the country as everyone tried to figure out how to do this mandate.

I fully believe that was the purpose of setting the close deadline; it was because it would have that much chaos in the country dealing with the vaccine mandates. Well, mission accomplished. It has created chaos across our economy and across lots of families.

What is the situation right now in America dealing with COVID?

We are on the backside of our second peak. We have seen hundreds of thousands of people lose their lives to COVID. We have seen hospitals fill, get back to order; fill again, get back to order.

But in the meantime, three vaccines have been developed, multiple different treatments, and vaccines. It becomes much more manageable.

In the meantime, right at 80 percent of all Americans who are 12 years old or over have already had at least one dose of one of the vaccines, of those 12 years old or older.

About 45 million Americans have recovered from COVID; had it, tested positive, and have recovered. The vast majority of Americans, by far—like, not even close—the vast majority of Americans have been vaccinated or have recovered from COVID or both.

But is the administration OK with that?

No, they are not. The administration has laid down their own law to say, if Americans do not get the vaccine—those 20 percent left that haven’t gotten the vaccine that are 12 years old or older, if they don’t get the vaccine, this administration is going to find some way for them to lose their job; which, for many people, will also mean lose their insurance; lose their pension; and, sometimes, lose their home.

But the President’s response is: I don’t care. Go get the shot. That is what I want you to do.

Well, Mr. President, mission accomplished.

Let me tell you a story of an individual that works in the eastern part of my State, who works for one of those companies that is 100 people or more. He didn’t want to have the vaccine. The reason is not even important, but he said he didn’t want to take the vaccine. So what happened in his company of 100 or more? They fired him a couple of weeks ago.

You are welcome, Mr. President. Thanks for firing him.

Oh, it gets better. He lost his house because he couldn’t pay the mortgage, and this adult man has now moved in with his family while he tries to figure out what happens next for him.

Do you know why?

Because the President said he was losing patience and he didn’t care if this guy lost his house, lost his job, lost his insurance. The President was just saying, go get it, or else.

Well, thanks. Right before Thanksgiving, he is experiencing the “or else.”

Bereavement, because his parents’ home is facing termination, he is from another one of those large companies. He has worked for them for 30 years. He has a
made us the most prosperous, freest people in the world. We are entrepreneurs. We take risks. We understand the consequences for our risks. But we also go do because we can; we are Americans.

So here is a man who has to choose between taking the vaccine, knowing that his doctor has told him not to do it, and if he does take it, if he has a negative reaction, the company wants to be held harmless for it. And he has to sign a document saying the company will be held harmless for it or lose his job.

Do you know why?
Because President Biden said he was losing patience.

So this family gets to sit around over Thanksgiving not talking about football but talking about whether he is going to lose his job or possibly have a blood clot in the hospital.

Which would you like to have that conversation on over Thanksgiving?

There is a company that does electrical work, and the company that also has one of those Federal contracts they talk about. Some of the employees don’t do the Federal contracting. They work for other issues. Fifty people of the 250 in the company have said they don’t want to take the vaccine, and so they are in the process of losing their jobs. And that company will not be able to fulfill its Federal contract because hiring 50 more electricians is not that simple right now with the economy that we are currently in.

A constituent told us that her employer is going to lay her off on December 8 because she hasn’t had the vaccine yet. So she will spend Thanksgiving discussing this with her family as she approaches the time where she is about to be laid off. She works in one of those companies that has a Federal contract. She reached out to her primary care doctor, who is at the VA, by the way, and the VA instructed her that they are not writing exemptions for medical exemptions.

She is on her own.

Why?
Because the President is losing patience, and he has decided he is going to throw all of these families in chaos or the company’s ability to lose their job, because he said so.

Why have I been fighting this mandate since September 9 when the President actually announced it?
Because it was obvious to me what was coming. It was this.

Everyone could see it, apparently, but the White House. Americans are stubborn people. That is what has this cornerstone person at this Agency?
They will struggle to figure out what she did, how she did it. And people in Oklahoma will get less help in that Agency because a long-term, vital civil servant is about to lose her career in any collective bargaining rights agreements for Federal employees that they have to get a vaccine mandate if the President decides that they do, but he decided—that is, President Biden decided—he was going to take this on.

And so she is going to be discussing over Thanksgiving what she is going to do post-retirement, wishing that she could stay a little longer to be able to build up a few more years, and thought she was going to be able to, but, in fact, she got ran out because she wanted to take the vaccine and the President had a difference of opinion about a brandnew vaccine.

Now, I have said to this group before several times—and I will say it again—I have had the vaccine. I encourage everyone to take the vaccine. Eighty percent of Americans who are 12 years old or older have had the vaccine.

There are plenty of Americans who have had the vaccine who support the vaccine but do not want their next door neighbor to get fired because they disagree on the vaccine. In fact, I don’t know a lot of people who do, though I have met some that are just that heartless to be able to say: I don’t care what you think. I want to feel better because you are going to go get the vaccine.

I have met some of those folks, but I don’t meet many of them. Most of them say: I freely made the decision; they should be able to freely make the decision, as well.

But apparently that is not where the President is and, unfortunately, that is not where some of my Democratic colleagues are because multiple times we have brought an end to the vaccine mandates to multiple committees in multiple places over the last several months and it gets knocked down every time.

Just this week, we filed a Congressional Review Act dealing with just the OSHA piece. We have another one coming along with an OMB to make a simple statement: We have got to stop this vaccine mandate. It is causing chaos in our families. It is causing chaos in our economy, and anyone who doesn’t think it is is not talking to people at home. So we will bring this in the next 18 days to the floor of this Senate, and we will force a vote on it and put everyone on record: Do you stand with the American people, who strongly affirm the vaccine, but strongly oppose the mandate, or will you be the one to say: I don’t care. I stand with the President. I am losing patience with people, this 20 percent that haven’t done the vaccine.
When I talk to the EEOC, what I hear from them is that they weren’t consulted through the process of developing this new vaccine mandate and all the exemptions that should be in place.

Can I just tell the workers of my State and the workers across the country that I support them? If your employer will not accept your religious accommodation that you put in or your medical exemption that you put in—if they do not accept those—you need to go to the EEOC and file a complaint because the EEOC has rules about terminations that the Federal Government cannot go against. If individuals are being terminated from private companies, even if they are Federal contractors or Federal employees, I encourage you to go to the EEOC and file a complaint if they are not bearing your medical accommodation or your religious accommodation. That is your right as an American.

When the President of the United States is running over your rights, you have every right to be able to appeal that to the EEOC. You don’t have to hire an attorney. You can file that complaint on your own to be able to make sure that your employer knows that you are filing an EEOC complaint against them for inappropriate termination, for not accepting your medical exemption and your religious accommodation.

Interestingly enough, when I approached the Office of Management and Budget a month ago about how they were going to handle religious accommodation, they said: It is not the business of Federal workers to decide and individuals’ faith. We are just going to accept that.

But when the document came out, there was a six-part test of whether you are religious enough to be able to turn down the vaccine. They literally created a six-part test that every supervisor can go through and check to determine if you are religious enough to be able to turn this down.

This would be the first time that I know of that the Federal Government has actually reached into an entity, to individuals, and said: We are going to decide for you how religious you are.

That is how crazy this has become.

I encourage you, again, if individuals have said that you are not religious enough to be able to file a complaint against your employer—whether that be a private entity—and make sure that they are well aware of what is going on.

If you work in a Federal Agency and you have an initial appeals process that actually goes through, go through that. Go through that process. But if you are denied or not heard, you do have rights as an American, and I would encourage you to be able to stand up for your rights as an American against unjust hiring and unjust firing in the Federal Government. Unjust firing in the Federal Government.

Let me read this last letter to you. As we have fought through this process and find every leverage point I can find for the people in my State to be able to make their own decisions, it has been difficult to be able to talk to people in the struggles that they have.

Let me read one. This gentleman wrote to me:

I retired after 20 years of Active-Duty service in the military to enjoy time with my family and the supreme blessings of freedom and peace our country has secured at the expense beyond human measure. Now, many of our unaudited servicemembers and veterans alike face possible unemployment because we refuse to take a vaccine. Some are being coerced into taking it because they can’t support their families while unemployed. These are the very people who risked their lives and the well-being of their children face persecution for a personal medical choice.

His comment to me: This is not American.

I agree. That is why we are fighting this. That is why we are continuing to fight this. That is why we are bringing a Congressional Review Act up to put every single person in this body on record: Do you support forcing people to take a vaccine or be fired, or not?

I do not, and I hope that 99 other of my colleagues also do not.

I yield the floor.

The PRESDING OFFICER (Ms. Cortez Masto). The Senator from Kansas.

NOMINATION OF SAULE OMAROVA

Mr. MORAN. Madam President, I rise today to express my opposition to President Biden’s nominee to be Comptroller of the Currency, Dr. Saule Omarova.

Although not the most publicly known office, the Comptroller of the Currency is a prominent and influential position that regulates and supervises all national banks. Given the undeniable importance of this office to the economy and to Americans, it has long been kept free of divisive politics and extreme views.

While I talk about the Office of the Comptroller of the Currency and I talk about banks, my concerns are certainly more than just the financial institutions that are in America’s economy. It is the people, their customers who are served, that bother me or worry me the most.

Rather than offer practical ideas for strengthening our Nation’s banks, Dr. Omarova advocates for the elimination of all commercial banks—the very financial institutions she should be interested in partnering with. Instead, she wishes to replace them with one bank—one bank—the Federal Reserve.

While the Comptroller might not have direct control of the Federal Reserve’s structure, this position cannot be understated. The Office of the Comptroller is a member of the Board of Directors, and this position may not be understated. The Office of the Comptroller is a member of the Federal Financial Institutions Examination Council, the Financial Stability Oversight Council, and even the Board of the FDIC, an Agency Dr. Omarova hopes to eliminate.

Although the doctor claims to support community banks, her plan would relegate them to mere franchises of the Equal Employment Opportunity Commission, or the EEOC. It was interesting to me, when I visited with the EEOC. That is the group that protects workers—Federal workers or private—from discrimination and protects workers from inappropriate termination. When I talk to the EEOC, what I hear am losing patience with them, and I am just going to force them to do it, as well—because that decision is coming to every single person in this body.

This could be turned off right now, and one section of it already is turned off. The Fifth Circuit Court reached in on the issue of private employers and said that this was way overly broad of the President. No kidding. It was unconstitutional for the President to reach into companies and to say: I don’t care who it is, how important they are to the company. If you don’t make them do the vaccine, you have to fire them.

The Fifth Circuit said you cannot do that. Thank you, Fifth Circuit, for finally joining in on that.

OSHA has now said that they are not going to enforce that, but there are lots of other companies that have done it anyway. And, I will tell you, for this individual in Eastern Oklahoma who has already been fired and lost his house, do you think for him suddenly the Biden team to say: Just killing. We are going to pull that back. His life has already been wrecked by you.

What else is happening? I have reached out to multiple different Agencies to be able to talk this through. It has been fascinating to me, when I have talked to different Agencies. By the way, the Federal Agency mandate for all Federal employees is next week to be able to have that done. But when I talk to leaders of Agencies of multiple different Departments across this town, none of them seem to know how many of their employees have actually been vaccinated yet—none of them. They all say: Well, we think it is quite a few.

I say: How many folks have not been vaccinated?

We have x number of folks who have been reported to us, but they don’t seem to become chaotic.

For Federal workers, their unions have finally stepped in—finally. I have been shocked at how slow the Federal unions were to this. They finally stepped up and asked for an extension of the President to say: Don’t put the mandate down for next week. Give people more time because, literally, people are sitting around over Thanksgiving deciding whether they are going to keep their job or not.

And, also, a percent of the workforce across the Federal workforce leaves, we are in such chaos that there is no way we will be able to finish serving people as we desperately need to be able to do across the Federal Government.

What would I recommend? I had some very frank conversations with the Equal Employment Opportunity Commission, or the EEOC. It was interesting to me, when I visited with the EEOC. That is the group that protects workers—Federal workers or private—from discrimination and protects workers from inappropriate termination. When I talk to the EEOC, what I hear...
larger Federal Reserve, and her comments have alarmed many Kansas community bankers. They have grave concerns about her policies that would "end banking as we know it."

One Kansas banker says:

I have severe concerns with the President’s nominee to be the Comptroller of the Currency. Her support of moving the payment system entirely through the Federal Reserve and in favor of abolishing the FDIC moves the entire banking system toward a government-controlled financial system. Eliminating the dual banking system would be disastrous for entrepreneurs and consumers alike in the marketplace.

Another banker from Kansas said:

We expect our regulator to supervise safety and soundness for banks in the system, not to propose and force feed social agenda items to us.

Local lenders—I certainly know this in the State of Kansas—are the cornerstone of many small towns, and the Comptroller should appreciate the value that community banking brings, what the ship banking structure provide crucial lending services for the underbanked populations in rural and urban areas alike. Eliminating the one-on-one, personal approach that allows community banks to thrive will do permanent damage to financial inclusivity and will further push people out of the financial system.

I have often said to my colleagues in Washington, DC, that economic development in many places in Kansas is whether there is a grocery store in town. It didn’t take me too long to realize that that answer, of whether or not there is a community bank—a relationship bank—in town, one that makes decisions, certainly, on the wellness and the ability of the loan to be paid, but what is in the best interest of the community? How can I make my community and my customers better off for the way this bank operates?

Another Kansas banker noted it appears that Dr. Omarova is comfortable with a banking model "that lacks luster and the agility to serve the diverse nature of the American banking industry."

With a banking model that would provide no incentive to create innovative new products, consumers would no longer benefit from the financial modernization that has brought so many people into the banking sector, so many banks to the banking sector. Consumers are best served by a financial system that offers competitively priced loans and lets lenders invest back in their local communities.

We must continuously work to improve our financial sector for everyone, but forcing consumers to bank with the government would do so much more harm than good. Kansans want less government in their lives, not more, as this would be.

Unquestionably, Dr. Omarova’s proposal, the government would have mandatory seats on bank boards and be able to control investments in “socially sub-optimal” activities, a subjective definition that can be interpreted to stifle investment. She believes Federal bureaucrats should handpick who gains access to credit—all but ensuring leftist ideas would be funded.

I have concerns with the FDIC’s ability to deny funding to industries she finds politically unfavorable, including bankrupting our domestic energy companies, something she spoke about.

While Dr. Omarova cheers on companies’ bankruptcies, jobs disappear, families go without income, and that American dream that is so important to all of us is crushed.

Unfortunately, the doctor’s confirmation hearing this morning only deepened my concerns. Her views have no place in the role of the Nation’s top bank regulator.

She is entitled to her views. She is entitled to her radical views but not as the Nation’s top bank regulator. By nominating Dr. Omarova, President Biden looks to fundamentally reshape banking from a market-driven industry to one-a-size-fits-all government entity. The thought of a centrally controlled banking system like that is not only unworkable, but it is radical—radically wrong.

If even these ideas are just for the sake of some academic thought, Dr. Omarova’s suggestions have consequential impacts. This is a very powerful position, and we cannot—we would take her views lightly at our own risk. I urge my colleagues to reject this nominee.

I yield the floor.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. CARDIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMEMBERING SERGEI MAGNITSKY

Mr. CARDIN. Madam President, 12 years ago this Tuesday, Russian tax lawyer Sergei Magnitsky died in Moscow at the hands of prison guards who, instead of treating him for the acute illness that his torturous, yearlong detention provoked, beat him for over an hour. He bled to death in his cell within hours. His murder happened shortly thereafter. His “crime” was exposing the largest tax fraud in Russian history, perpetrated by government officials. He was 37 years old and left a loving family and many friends.

At the Helsinki Commission, which I chair, we had heard of Sergei’s plight months earlier, and we were saddened and outraged that such a promising life had been cut short and that so few expected his murderers to be held to any account.

Impunity for the murder of journalists, activists, opposition politicians, and now simply an honest citizen was and remains a depressing cliché in Russia under Vladimir Putin’s rule, while his regime often ruthlessly punishes people for minor infractions of the law. For those on the wrong side of the Kremlin, the message is clear and chilling. Even the most damning evidence will not suffice to convict the guilty, nor will the most exculpatory evidence spare the innocent.

The need for justice in Russia in this specific case has not diminished with the passage of time. Moreover, the double standard that will suffice to convict one of an offended Putin’s murderer and the massive tax heist he exposed implicates a wider swath of Russian officials with the guilt of this heinous crime. It does not need to be this way, nor is it ever too late for a reckoning in this case in the very courtrooms that hosted the show trials that ultimately led to Sergei’s death.

As sober as this occasion is, there is reason for hope. Vladimir Putin will not rule Russia forever, and every passing day brings us closer to that moment when someone occupies his post. Who that person will be and whether this transition will usher in a Government in Russia that respects the rights of its citizens and abides by its international commitments remains unclear. I hope it does. A Government that returns to the fold of responsible, constructive European powers would increase global security, enhance the prosperity of its own citizens and trading partners, and bring new vigor to tackling complex international challenges such as climate change.

Sergei’s work lives on in his many colleagues and friends who are gathering in London this week to celebrate his life and to recognize others like him who seek justice and peace in their countries, often facing and surmounting seemingly impossible obstacles. All too often, they pay a heavy price for their courageous integrity.

His heroic legacy is exemplified in the global movement for justice sparked by his death and in the raft of Magnitsky laws that began in this Chamber and have now spread to over a dozen countries, including allies like Canada, the United Kingdom, and the European Union. Even as these laws help protect our countries from the corrupting taint of blood money and deny abusers the privilege of traveling to our shores, they also remind those who suffer human rights abuses at the hands of their own governments that we have not forgotten them.

Sergei Magnitsky is a reminder to all of us that one person can make a difference. In choosing the truth over lies and sacrifice over comfort, Sergei made a difference that will never be forgotten.

Fifty-five years ago, Senator Robert F. Kennedy addressed the National Union of South African Students and other youth in Johannesburg. He spoke about freedom of speech and the right to “affirm one’s membership and allegiance to the body politic—to society.” He also spoke about the commensurate
Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the motion to reconsider be considered made and laid upon the table, all without intervening action or debate; that no further motions be in order in connection with the nomination; that any statements related to the nomination be printed in the RECORD; that the President be immediately notified of the Senate’s action; and that the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—continued

The PRESIDING OFFICER. The Senate will now resume legislative session.

The Senator from New Hampshire.

CONFIRMATION OF JULIANNE SMITH

Mrs. SHAHEEN. Mr. President, I also would like to speak to Julie Smith and her qualifications to be Ambassador to NATO.

Julie is, simply, very well qualified to represent the United States within our biggest and most significant security alliance. Her 25-year career has focused on transatlantic relations and security. She has served the country as Deputy National Security Advisor and Acting National Security Advisor to then-Vice President Biden.

In 2012, she was awarded the Office of the Secretary of Defense’s Medal for Exceptional Public Service. She has worked at some of the country’s most esteemed think tanks that address European issues.

As the U.S. confronts challenges around the world, we need to convey our firm commitment to our allies and our alliances. For this reason, it is absolutely critical that we put Julie Smith in place as Ambassador to NATO as soon as possible.

I am really very pleased that those who had a hold on her nomination have finally lifted those holds. It is unfortunate that it has taken so long because, as we look at what is happening in Eastern Europe in particular, and as we look at the migrants who are being used by Belarus—and I assume that Vladimir Putin is behind this, as well, to send those migrants to the Polish border as a way to distract from what is happening in Eastern Europe—clearly, the more equipped NATO is to help deal with those challenges, the better.

If we are going to participate with our allies in those countries, we don’t have Ambassadors because we have holds on those folks who are so important to help those families and to do everything to try and help them get their loved ones back—to free the hostages who are being wrongly held around the world.

Well, one of the things we talked about is the fact that in those countries, we don’t have Ambassadors because we have holds on those folks who are so important to help those families and to help address American interests in those countries. So what our colleagues are doing by holding up these nominees is undermining the national security of the United States.

By grinding to a halt our State Department nominees, a small group of my Republican colleagues has allowed partisan brinkmanship to perversely a critical aspect of our national security.

You know, there was a very important principle established after World War II about partisan politics ending at the water’s edge. What we’re seeing is that my colleagues on the other side of the aisle are not continuing to support that principle.

We are stronger and safer when our diplomats—those individuals who support Americans and U.S. foreign policy around the world—are supported by capable, Senate-vented, and Senate-confirmed Ambassadors.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. 397, Juliane Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will report the nomination.

The bill clerk proceeded to call the roll.

Mrs. SHAHEEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. WARNOCK). Without objection, it is so ordered.
So I hope we will see in the coming weeks a willingness of those few people—it is only two or three people on the other side of the aisle who have held people up—to release those holds in the best interests of America and of our security.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Ms. WARREN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NATIONAL DEFENSE AUTHORIZATION ACT

Ms. WARREN. Mr. President, I rise to speak in opposition to the National Defense Authorization Act.

As written, this legislation authorizes $778 billion in defense spending just for next year alone. That is more money than we spent on defense during the Korean or Vietnam wars. It is even more money than we spent at the height of the extraordinary Reagan defense buildup in the 1980s.

Now Congress is set to pass this bill with virtually no debate and with virtually no discussion about how much money we are spending. Congress keeps the spigot of cash wide open so long as it is for defense. And please note that not one single dollar of this huge defense budget will be offset either by a Welch new taxes or with new spending cuts someplace else.

Meanwhile, do you know how much money the President’s Build Back Better plan will cost, on average, each year? I’m referring to an average of $1.757 trillion. That is about one-fifth the size of this Defense bill. And unlike this Defense bill, every single dollar of the President’s plan will be offset with new revenue or savings.

But there’s also the thing: When we want to invest $775 billion a year on childcare and paid family leave and expanding access to healthcare and fighting the climate crisis, and when we are going to offset every single dollar for those new expenses, everybody suddenly becomes so very concerned about spending. When we want to make investments that directly benefit people across this country, we are told “that costs too much” or “that is socialism.” But we can spend nearly five times that amount of money in the Defense bill, it is just a shrug of the shoulders. Look around this Chamber. It is empty.

And let’s be clear where most of this defense money is going. It is largely going to the defense industry. The Pentagon will take this money and give approximately $400 billion to contractors. And nearly 40 percent of that will go to a handful of giant contractors.

This is a huge amount of money in an ordinary year. But this year, the two-year period into which we are going to spend this money is quite extraordinary. The pandemic that has killed 765,000 Americans, it is irresponsible to spend this much money on stuff that isn’t saving Americans from what is actually killing them. America’s spending priorities are completely misaligned, and the threats Americans actually are facing, the things that are quite literally endangering their lives—like COVID-19 and the climate crisis—don’t get this kind of attention.

Let me be clear. We can spend far less money on defense and still protect Americans and American interests. And you don’t have to take my word for it. The Congressional Budget Office just outlined three different avenues for cutting $1 trillion in defense spending over the next decade. None of the three proposals were even close to radical. And, by the way, none of them achieved any savings from nuclear modernization, contract spending, and closing bases.

And before somebody cranks up the outrage machine, let me say I do not believe that we should spend nothing on defense. There are real threats to our Nation and real interests that we must defend. There are some situations that may require military solutions. But this Defense bill goes far beyond that threshold. This bill continues to feed into the wrongheaded idea that America’s strength can only be measured by our military domination.

This bill is another example of Congress granting the Pentagon virtually unlimited resources while, at the exact same moment, pinching pennies on things that will make the American economy work for our children and for our seniors, for workers and students and retirees, for everyone who isn’t part of a tiny little slice at the top.

These misplaced priorities chip away at the strength of our Nation, and, ironically, they undermine the foundation upon which our military is built. If we don’t come to recognize this soon, then all this money will have been wasted, and the world’s most powerful military will rest on a foundation of sand.

There are important and valuable provisions in this Defense bill. There are even places where we should spend more money, like on cyber defense, but it is long past time for us to rationalize the Pentagon’s budget and align it with the threats we actually face. And this Defense bill, like so many before it, fails miserably to do that. For that reason, I will vote against it.

I yield.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

Mr. GRASSLEY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENT OF DEFENSE AUDIT

Mr. GRASSLEY. Mr. President, on November 9th, Secretary Austin announced that it completed its fourth consecutive annual audit and received a fourth consecutive failing opinion.

This is what the Pentagon believes: If it somehow merely just conducts an audit, then somehow conducting that audit is a success despite the fact that it has been a requirement under the law for the last 30 years for Agencies—and that means all government Agencies—to conduct and pass an annual audit. The Department of Defense is about the only one that doesn’t meet the requirements of the law.

The Department points to other signs of progress, such as that they were able to achieve so-called ‘limited’ compliance from a previous audit and the closure of some 450 adverse findings. That, somehow, is progress. It is not progress—at least, it doesn’t meet the demands of the law. However, the fact remains that the Department of Defense is unable to accurately account for billions of taxpayer dollars it spends each year.

Funding for the Department of Defense is crucial to our national security. Men and women who volunteer to wear the uniform and, hence, defend our country—these people deserve to be well paid and well equipped.

In light of the rising threats around the globe, it is more crucial than ever that one dollar is lost to fraud, waste, and abuse. A clean audit, which the Defense Department has never had, is the key to whether Department of Defense money is spent responsibly.

A key underlying problem to the continued failed audits is the financial management systems used by the various military Departments. The Department of Defense uses hundreds of different financial systems that are outdated and are unable to communicate with each other. They cannot generate reliable transaction data and are not auditabe.

There are inadequate internal controls in financial management systems, presenting an environment that is ripe for errors and fraud. Internal controls at the transaction level, military leaders can never know how much things cost.

I have tried to work with leaders in the Department on this subject for years, but time and again, I have been disappointed.

The Defense Department’s inability or its unwillingness to make necessary and overdue changes should be unacceptable to any Senator.

I filed an amendment to the bill before the Senate this year to address the root cause of the Pentagon’s failed audits. The underlying bill provides for an independent Commission tasked with examining the budgeting and planning processes at the Pentagon. My amendment will require that very same Commission to also make recommendations on bringing financial management systems up to snuff.

The Department of Defense will never be able to get a clean audit opinion—unless these systems remain unfixed, and the Department of Defense has demonstrated an inability or unwillingness to deploy an accounting
Mr. RUBIO. Reserving the right to object, I—what is missing from this list is the Uighur Forced Labor Prevention Act. In a moment, you are going to hear that it has this procedural problem—blue slips. For anyone who is not familiar with the lingo around here, that means bills fail to generate revenue, and therefore it has to originate in the House. That is what you are going to hear in a moment.

Here is what is so interesting about it. About, I don’t know, 4, 5, 6 weeks ago, this was passed by unanimous consent in this very Senate. This bill doesn’t have a blue slip problem. It has a bunch of corporations who are making stuff in Xinjiang Province problem. That is what the problem is here. So everyone is aware—everyone here is aware, I hope. In the Xinjiang Province of China, Uighur Muslims are put into forced labor camps where they work as slaves—something that this administration and the previous one termed as “genocide.”

They work as slaves making products, and there are American companies that are sourcing goods that end up on the shelves in this country. It is, in fact, almost certain that in this very Chamber there is some product that was manufactured by slave labor in China. We passed that bill in the Senate by unanimous consent. Not a single person objected to it. There was no blue slip problem then. Now all of a sudden there is.

This is because there is a bunch—that is why they are killing it in the House. A bunch of these corporations, lobbying against it, doing everything possible, and they know if it gets in this bill it is going to become law.

So I object, and I ask that the request be modified to include my amendment No. 4330.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. RUBIO. I object to the modification, Madam President.

The PRESIDING OFFICER. Objection is heard.

The PRESIDING OFFICER. Is there objection to the original request?

Mr. RUBIO. I object.

The PRESIDING OFFICER. The request is heard.

Mr. DAINES. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. TOOMEY. Madam President.

The PRESIDING OFFICER. The junior Senator from Pennsylvania.

Mr. TOOMEY. Madam President, reserving the right to object, I would just like to bring to my colleagues’ attention to the front page of the Wall Street Journal, the lead story, the headline above the fold today, “Annual Drug Overdose Deaths Top 100,000, Setting Record.” For the 12 months ending in April, all-time record number of fatalities—a big majority of them opioids, mostly synthetic, opioids, driven almost entirely by fentanyl. Unbelievable.

Think of 100,000 new families in the last 12 months that will have an empty seat at the Thanksgiving Day dinner next Thursday. Pennsylvania has been hit as hard as any State, but every one of our States has been hit hard by this.

So why am I objecting to this? Because I have an amendment that at least on the margins would help. It is simple, and it is common sense. It adds fentanyl to the majors list. The majors list is the list that includes the countries that the President has to identify as the largest producers of illicit fentanyl. That is China. Let’s be clear. But once these countries—any country—is identified as a big producer of fentanyl, my bill would require those countries to prosecute drug traffickers and schedule fentanyl as a class, and if they do not, then they are not doing all they could and should be doing to keep fentanyl off our streets; in which case, under my amendment, the President would be authorized to withhold certain categories of foreign aid.

This bill is so noncontroversial and common sense, it has actually already passed this body just last year.
It is bipartisan. Senator MAGGIE HASSAN from New Hampshire, a Democrat, is my partner on the underlying bill.

And I would point out to my colleagues, I don’t have any objection to anyone getting an amendment vote. I am not holding up anybody’s votes, as long as we get this chance to reduce the flow of fentanyl coming into America.

So I ask to modify the request to include my amendment No. 3925.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. There is objection. Objection is heard.

Is there objection to the original request?

Mr. TOOMEY. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President.

The PRESIDING OFFICER. The junior Senator from Idaho.

Mr. RISCH. Madam President, I am reserving the right to object.

I want to speak today on behalf of my amendment, Risch No. 4794, which is not included on that list, which I have introduced with cosponsors Senators PORTMAN, CRUZ, BARRASSO, JOHNSON, COTTON, DAINES, and WICKER.

This amendment is the Senate companion to bipartisan language that already is included in the House-passed NDAA which would sanction Nord Stream 2, Putin’s premier energy weapon against Ukraine and Europe.

The timing could not be more important. Ukraine stands on the brink of an invasion, and Europe is in the throes of an energy crisis created by Russia.

There is a reason Ukraine’s President Zelensky tweeted an urgent request last week regarding this amendment, which said:

[All] friends of Ukraine and Europe in the US Senate [should] back this amendment.

We are now seeing the consequences of the administration’s decision to waive mandatory PEESA sanctions and refusal to impose CAATSA sanctions.

Russia has deliberately cut gas transmission to Europe through Ukraine and is using high energy prices to pressure the EU into approving Nord Stream 2 as quickly as possible. Putin has publicly stated as such.

Meanwhile, Russian forces have built up along the border of Ukraine in preparation for what could be a full-scale invasion, just as they did to the Crimea.

Remember, Nord Stream 2 is designed to replace Ukraine’s gas transit system, meaning Russia no longer has to worry about destroying its own infrastructure in the event of full-scale war.

We cannot allow Putin’s blackmail to succeed. Nord Stream 2 has always been a bipartisan issue here in the Senate, and it should continue to be. Not a single Member of Congress supports the completion of this pipeline. I would like to think a similar number of us don’t think we should ignore our friends in Europe, particularly Central and Eastern Europe, who stand to lose the most from Nord Stream 2.

Our amendment would impose mandatory sanctions against Nord Stream 2 AG, the company responsible for the project, as well as the companies involved in testing and certifying the pipeline, before it can become operational.

We have provided the administration with a pathway to lifting these targeted sanctions, pending, of course, congressional review. This pathway provides the exact same process for congressional input that 98 Senators voted for in CAATSA just a few years ago.

Nord Stream 2 is not set to become operational for months so there is still time to stop it, but we need to act quickly.

I urge my colleagues to join our distinguished colleagues in the House of Representatives on this important endeavor and to vote yes on this amendment.

Therefore, I ask unanimous consent to modify the request of the distinguished Senator REED and include my amendment No. 4794.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. RISCH. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. The distinguished Senator from Texas.

Mr. CRUZ. Madam President.

The PRESIDING OFFICER. The junior Senator from Texas.

Mr. CRUZ. Reserving the right to object, 2 years ago, I authored bipartisan legislation sanctioning any company that participated in building Nord Stream 2. That legislation passed Congress overwhelmingly, and Democrats and Republicans overwhelmingly supported it. That was passed on the way through the NDAA, the National Defense Authorization Act.


Today, the Democrats are objecting to passing sanctions on Nord Stream 2. What has happened?

Two things have changed. No. 1, today Joe Biden is President and not Donald Trump. And the Democrats were more than willing to stand up to Russia when Donald Trump was President, but when Joe Biden is President, suddenly it is untenable for Democrats to stand up to Russia.

But, secondly, it is even worse because what has also changed is that Joe Biden has utterly and completely capitulated to Vladimir Putin. He has waived the mandatory sanctions that this body passed. He has given a multi-billion-dollar generational gift to Putin. This strengthens Russia. December is now, supposedly, how far in Russia will reap billions of dollars that they will use for military aggression against Europe, against America, and it will be because Joe Biden utterly and completely capitulated.

So why are Senate Democrats objecting to a vote on Nord Stream 2?

Because they cannot defend Joe Biden’s surrender to Putin on the merits. They don’t want to vote on it because it would be politically inconvenient for this White House that has undermined the national security of the United States and has weakened our allies. Right now, energy prices are skyrocketing in Europe because Joe Biden surrendered to Vladimir Putin.

We have twice passed Nord Stream 2 sanctions on the NDAA. After Biden’s surrender to Putin, we should do so again. My Democratic friends who have given speech after speech after speech against Nord Stream 2, against Russia, should demonstrate they mean what they say and that they are not simply interested in being political protectors for a Democratic President.

Accordingly—and I would note, by the way, in response to every amendment that has been called up, the Democrats have not seen fit to provide even a word of substantive argument in response. So I am going to predict you are not going to hear the President, Joe Biden, surrender to Russia. You are not going to hear any defense of Nord Stream 2. We haven’t heard any substantive defense. You are going to hear two words—“I object”—because the Democrats are afraid of taking this vote.

I believe we are elected here to represent our constituents and the interests of the United States, and we should have the courage to do so. Therefore, I ask to modify the request to include amendment No. 4794.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard.

Is there objection to the original request?

Mr. CRUZ. My prediction was accurate, and I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

The junior Senator from Alaska.
Mr. SULLIVAN. Madam President, in reserving the right to object, I am requesting a vote on my amendment No. 4329.

I am very disappointed that my Democratic colleagues will refuse to vote on this very simple, very important, very constitutionally correct amendment that also dramatically could impact military readiness, which is why it is so important to discuss it here as we are debating the NDAA.

My amendment is simple. It prohibits the Department of Defense from enforcing President Biden’s vaccine mandate on contractors and subcontractors. That is it.

Why is this important?

Well, look, we all want to put the vaccine behind us. There is no doubt about that. We have all been vaccinated here. I think most of us have encouraged our constituents, in consultation with their physicians, to do the same.

First and foremost, as to this vaccine mandate, it is becoming increasingly clear. It is not constitutionally based, and it is not based in statute. I think the American people are seeing that on a daily basis. So it is an issue of not just the constitutional authority of the President, but it is an issue of the principle that got us all through the pandemic last year.

If you will remember, one of the most important principles that we had as we were working on COVID relief—whether in the CARES Act or other aspects of legislation that we had with regard to COVID relief for our citizens—was this: If you got relief, whether you were a small business, from the PPP, or were an airline or a defense contractor, the law said you had to keep your employees—that you had to keep them together—employers and employees together. That was the principle that all of us—Democrats and Republicans and the Trump administration—agreed on during the pandemic, and it worked. Many of these workers were on the front lines, helping us get through the pandemic.

This President, with his mandate, has taken a sledgehammer to that principle. Not only are we now saying that employers in America, you have to fire your employees—that you had to keep them together—that was the principle that got us all through the pandemic.

This President, with his mandate, has taken a sledgehammer to that principle. Not only are we now saying that employers in America, you have to fire your employees—that you had to keep them together—that was the principle that got us all through the pandemic.

I was home in Alaska last weekend. I could impact contractors, and 10, 15, 20 percent of their workforce might not be working—defense contractors—hurting readiness.

Again, during the pandemic, we were asking contractors to show up at work and make sure our defense industries were strong, and now the President is telling these same contractors: Go fire your employees—oh, by the way, over the holidays.

So I think this is a very simple, reasonable amendment that will help readiness. Therefore, I ask to modify the request to include my amendment No. 4329.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard. Is there objection to the original request?

Mr. SULLIVAN. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. LANKFORD. Madam President, I object.

The PRESIDING OFFICER. The junior Senator from Oklahoma.

Mr. LANKFORD. Madam President, in reserving the right to object, this is an astounding thing. This is a conversation that has happened today about amendments to the National Defense Authorization Act.

Now, I haven’t been here very long, but typically, an NDAA takes about 2 weeks on the floor to be able to process, and there is a lot of conversation about different amendments. There are managers’ packages; there are big groupings of packages that come together that are noncontroversial; and there will be a series of votes that are side by side with other votes. It has already been set up for 20 votes. That is terrific. That is a great start.

Then there is a request for some other things that are pretty typical, actually. There have been requests just in the last couple of minutes on military contractors and the vaccine mandate that will certainly affect our military readiness. That is certainly defense-related.

There is human trafficking in China and whether products are coming through. That is pretty straightforward. In fact, that passed unanimously through this body. That doesn’t seem that controversial to be able to be in here.

There are conversations about fentanyl and the origin of fentanyl, where that is coming from. That shouldn’t be controversial to try to protect the country, but, suddenly, that amendment has been blocked.

Nord Stream 2—Ukraine and Russia—has not been a controversial issue for us. This body has laid down sanctions multiple times on the NDAA on this exact issue, and now it is being blocked. You can’t even debate it.

Myself and Senator Daines both brought up things tonight dealing with border security, which is certainly national security: 1.7 million people we know of have illegally crossed our southwest border this year. It is the highest number of illegal crossings in the history of our country—17 million. But, on January 20 of this year, President Biden stopped construction on the border wall—in many places, literally where they only had to hang the gates and install the electronic infrastructure there. That was all that was left, but it stopped.

Why is this connected to national security?

Well, certainly, border security is national security. Also, part of this funding did come out of defense funding. It is being done by the U.S. Army Corps of Engineers in many places.

On top of that, this year, so far—just so far this year—we have paid contractors about 2 million dollars not to build the wall. These were contracts that had already been let out to do the construction. We are continuing to pay about $3 million a day to contractors not to complete the wall in sections, by the way, that career individuals had selected—that section and that design—and then had to prove that that was the right place and the right design to both Republican and Democrats in this body, which they did. Now we are wasting $2 billion not to do national security.

My amendment is very straightforward. We take the contracts that are already out there, and we complete those sections of the wall that have been approved by career individuals. Let’s complete those sections and not just throw the money away and waste two billion American taxpayer dollars, but actually use it for national security.

In saying that, I ask that the request be modified to include my amendment No. 4100.

The PRESIDING OFFICER. Is there objection to the modification?

Mr. REED. Madam President, I object to the modification.

The PRESIDING OFFICER. Objection to the modification is heard. Is there objection to the original request?

Mr. LANKFORD. I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I renew my original request.

The PRESIDING OFFICER. Is there objection?

Mr. RISCH. Madam President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. REED. Madam President, I believe I have the floor.

The PRESIDING OFFICER. The Senator has the floor.

Mr. REED. Madam President, we began this process for the National Defense Authorization Act months ago. In
Mr. REED. With that, I would yield the floor.

Mr. SCHUMER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCHUMER. Madam President, Democrats have been working in good faith for several days—actually, for several months really—to pass this defense legislation.

The bill before us was produced through a bipartisan committee process and included the input of at least three-fifths of Senators from both sides of the aisle. It is unfortunate that we cannot move forward tonight.

Yesterday, we agreed to delay the initial cloture vote after the Armed Services Committee’s ranking member requested more time to work on a managers’ package to include more input from Members. The managers’ package now include 57 amendments; 27 from Republicans, 27 from Democrats, and 3 bipartisan amendments.

Further, we just proposed votes on 18 amendments, 3 of which are bipartisan and 8 of which are Republican-led amendments. We could start voting on them tonight, but unfortunately, the other side won’t agree—or some on the other side won’t agree.

Democrats have demonstrated all year that we are more than willing to work in good faith on amendments here on the floor. This year, more amendments have received rollover votes than during any of the past 4 years.

Members on both sides want to get this done. So these delays are unfortunate. There is no good reason to keep delaying. We should move the process forward.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. SCHUMER. Madam President, Republicans, we didn’t have a choice, and we were united in wanting to get started earlier. As a result of that, a lot of Democrats and Republicans have lost their opportunity to get heard and to have amendments considered.

The system is good. It is one that has worked for a long time. This is going to work. When we stop to think about the number of hours that are spent wading through all of these amendments, this does take place.

I would compliment our chairman of the committee. We have worked very well together. We have gotten to this point. We will have to get this thing finished, and we will. But, nonetheless, we have an exhaustive policy that we have considered year after year after year. That is where we are today.

With that, I yield the floor.

Mr. REED. I suggest the absence of a quorum.

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The legislative clerk proceeded to call the roll.

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The legislative clerk proceeded to call the roll.

Mr. REED. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.
Mr. WYDEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded. The PRESIDING OFFICER. Without objection, it is so ordered.

EXECUTIVE SESSION

EXECUTIVE CALENDAR

Mr. WYDEN. Madam President, in a few moments, I will put forward a request to the Senate to take up and approve the nomination of an Oregonian, my friend Chuck Sams, Senator Bident chose to lead the National Park Service.

I am just going to take a few minutes to talk about Chuck Sams and why he is the right person for this critical job. Colleagues, we all know that the Park Service is often called America’s best idea, and together those parks form a network of treasures that no other country can match.

The fact is, the National Park Service is the best idea. It is all about our country. It is what makes our country so special for so many.

The Director of the National Park Service is in charge of an organization of over 22,000 employees and almost a quarter million volunteers. The National Park System generates tens of millions of dollars of economic activity. The people of my State know particularly how important those critical outer boundaries are for rural economies and rural jobs.

The fact also is that there are park units in every State in the country—urban parts, rural parts, historic American buildings, ancient archeological sites—and personnel at the Park Service do it all, from education to preservation, to maintenance, and even resilience against wildfire.

Chuck Sams has been a longtime Umatilla Tribal leader, and there he has served in a variety of roles. He is a member of the Northwest Power and Conservation Council, working with officials from across the Pacific Northwest. He is a veteran of the U.S. Navy. He is a role model—a role model—in so many respects, and particularly in the stewardship of America’s lands, waters, wildlife, and history. And the Congress and the parkgoers are going to rely on him in the months and years ahead because we all know the Park Service faces big challenges.

I am going to wrap up and make my unanimous consent request, but, first, I want to commend my colleague from Alaska. My colleague and I have been working pretty much throughout the day to resolve the whole issue of the Sams nomination.

This is a wonderful person who is going to give public service a really good name when he is confirmed.

My colleague from Alaska has raised a number of issues that he considers very important to his State. He and I have worked together on a variety of these issues, both from the standpoint of the Energy Committee and most recently as chairman of the Finance Committee, when we have worked on some tax issues. So I want to thank the Senator for his cooperation that is going to make it possible for us to advance this nomination tonight.

Madam President, I ask unanimous consent that the Senate proceed to executive session to consider Executive Calendar No. F. Sams III, of Oregon, to be Director of the National Park Service, and that the Senate vote on the nomination without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. SULLIVAN. Madam President. The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Madam President, I just want to thank Senator Wyden for his cooperation on this nominee. Mr. Sams, I do agree, is qualified.

We had a long discussion this afternoon about some of the big issues that are impacting my State as it relates to the National Park Service.

You know, a lot of people love the National Park Service. Two-thirds of all National Park Service land in America is in Alaska—tens of millions of acres. It is bigger than almost every other State represented here on the Senate floor. That is just the National Park Service.

For decades, that Federal authority—the National Park Service authority in Alaska—has been abused. How do we know that it has been abused? Well, we recently had two—two—U.S. Supreme Court decisions decisions that were 9-to-0 decisions, by the way, that essentially said the Park Service was not following the law in Alaska—two.

So my discussions with Mr. Sams and the commitments he made to me, I think, are going to help Alaska. I think they are going to help the National Park Service, and it is related to the National Park Service authorities.

After these two decisions—they were called the Sturgeon decisions—two in a row, at the U.S. Supreme Court, 9 to 0, by the way, and the U.S. Supreme Court telling the National Park Service: You are not following the Alaska National Interest Lands Conservation Act. We call it ANILCA in the Record; that the President be immediately notified of the Senate’s action, and the Senate resume legislative session.

The PRESIDING OFFICER. Without objection, it is so ordered.

LEGISLATIVE SESSION

NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2022—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senate will now resume legislative session.

MORNING BUSINESS

NOTICE OF A TIE VOTE UNDER S. RES. 27

Mr. MANCHIN. Madam President, I ask unanimous consent to print the following letter in the CONGRESSIONAL RECORD.

There being no objection, the material was ordered to be printed in the Record, as follows:

UNITED STATES SENATE, COMMITTEE ON ENERGY AND NATURAL RESOURCES, November 18, 2021.

To the Secretary of the Senate: The nomination of Laura Daniel-Davis, of Virginia, to be an Assistant Secretary of the Interior, vice Joseph Balash, resigned, PN 761,
having been referred to the Committee on Energy and Natural Resources, the Committee, with a quorum present, has voted on the nomination as follows:

On the question of reporting the nomination favorably with the recommendation that the nomination be confirmed, 10 ayes to 10 nays.

In accordance with section 3, paragraph (1)(A) of S. Res. 27 of the 117th Congress, I hereby give notice that the Committee has not reported the nomination because of a tie vote and that this notice be printed in the RECORD pursuant to the resolution.

JOE MANCHIN III,
Chairman.

VOTE EXPLANATION
Ms. CANTWELL, Madam President, on November 15, 2021, I was unable to be present for the rolcall vote No. 466 on the Motion to invoke cloture on Executive Calendar No. 401, the nomination of Graham Steele to be an Assistant Secretary of the Treasury.

However, had I been present, I would have voted in favor of the motion to invoke cloture. I supported Mr. Steele’s nomination based on his strong track record as a respected expert on financial policy and consumer protection and his years of service in senior level positions here in the Senate.

WORLD DAY OF REMEMBRANCE FOR ROAD TRAFFIC VICTIMS
Mr. VAN HOLLEN, Madam President, November 21, 2021, will mark the 26th World Day of Remembrance—WDOR—for Road Traffic Victims, commemorating the millions of people killed and injured on the world’s road. It is also a day to thank emergency responders for their role in saving lives, to reflect on the impact of road traffic deaths and injuries on families and communities, and to draw attention to the need for improved legislation, awareness, infrastructure, and technology to save more families from the tragedy of losing a loved one.

More than 1 million people die from road crashes every year, and tens of millions are seriously injured. Road traffic crashes are the No. 1 killer of young people aged 15–29 and the eighth leading cause of death among all people worldwide. Rochelle Sobel, president of the Association for Safe International Road Travel, highlighted the gravity of this issue and the imperative to fix it: “Every 27 seconds, somewhere in the world, a person dies in a road crash.”

On this 26th anniversary of World Day of Remembrance for Road Traffic Victims, it is important to remember the history and recommit to the goals of this day. It was initiated in 1995 as the European Day of Remembrance and quickly spread around the globe to countries in Africa, South America, and Asia. In 2005, the United Nations General Assembly adopted resolution 60/2, recognizing November 15 as the World Day of Remembrance for Road Traffic Victims. Since that time, the observance of this day has continued to spread to a growing number of countries on every continent.

This year marks the start of the new Decade of Action for Road Safety 2021–2030, during which the WDOR will highlight the reasons for all of the necessary actions to be taken during this coming decade. Indeed, the day has become an important moment to focus international attention on this preventable epidemic and as an advocacy tool to galvanize road users and road casualties. As a result of the growing awareness and global call to action that World Day of Remembrance for Road Traffic Victims has generated, in September 2020, the United Nations called on a resolution declaring the years 2021 to 2030 a new Decade of Action for Road Safety. The declaration affirms the UN’s commitment to work vigorously to implement a new, ambitious agenda to halve road crash deaths by 2030.

Additionally, the United Nations Sustainable Development Goal 3.6 calls on governments and their stakeholders, including NGOs and private companies, to combat road safety, medical, and financial burdens associated with road traffic deaths and injuries.

The devastation of losing a child, parent, sibling, partner, friend, caregiver, or caretaker is immeasurable, as are the challenges of caring for a permanently disabled loved. Road traffic crashes are preventable, and so we owe it to our communities to work together so that the hopes and dreams of our loved ones are not shattered on the roads. As parents, partners, and loved ones, we must all take action to prevent these avoidable tragedies and save lives.

TRIBUTE TO JANET COIT
Mr. WHITEHOUSE, Madam President, I rise today to honor Janet Coit, one of Rhode Island’s most respected environmental advocates. Ms. Coit is the new acting administrator for the National Oceanic and Atmospheric Administration’s National Marine Fisheries Service. She joined NOAA after a decade of committed service leading the Rhode Island Department of Environmental Management under three Governors.

After graduating from Dartmouth College and Stanford Law School, where Ms. Coit was a member of the Environmental Law Journal, she served as chief counsel and staff director of the Select Committee on Ethics, and on behalf of the vice chairman, members of the committee, and its staff, to pay tribute to Deborah S. Coit as she completes her 22 years of Federal service including the last 6 as chief counsel and staff director of the Select Committee on Ethics. As a paramedic, a naval officer, and attorney, Deb’s career tells the story of a life dedicated to public service. She joined the Senate in January 2015 after 4 years as director of investigations for the House Committee on Ethics. From 2002 to 2011, Deb was a prosecutor with the U.S. Department of Justice; beginning as an Assistant U.S. Attorney in the Eastern District of New York’s Organized Crime and Racketeering Section. Deb went on to serve in the Department of Justice Public Integrity Section of the Criminal Division, where she investigated and prosecuted corruption at all levels of government throughout the United States. Since 1998, Deb has served as a Judge Advocate in the U.S. Navy, first on Active Duty and continuing her career in the Reserve Force.

In her time as chief counsel and staff director, Deb personally advised members of the Committee and Senate, rector of the Rhode Island Department of Environmental Management. Goven-
oversaw the nonpartisan staff in providing ethics advice and education, administered the Senate’s financial disclosure program, modernized and redesigned the committee’s website, and conducted investigations and enforcement of ethics rules, laws and standards. As a member of the Select Committee on Ethics, I thank Deb for her decades of service to our country and commitment to the U.S. Senate. I offer my sincere best wishes and gratitude to Deb and her family as she begins her retirement.

Thank you, Deb.

TRIBUTE TO GENERAL JOHN E. HYTEN

Mrs. FISCHER. Madam President, I rise today to congratulate Gen. John E. Hyten on his retirement from the U.S. Air Force. I also want to extend my congratulations to his wife, Laura, and note the remarkable bond they share. Their love and respect for one another have enabled his success in uniform, and his achievements are truly theirs.

Across four decades of service, General Hyten has risen through the ranks to become one of the most respected voices in the military, and many in this Chamber rely on his deep knowledge and expertise. This is especially true on matters relating to space and nuclear deterrence.

I got to know General Hyten when he became a Nebraska constituent following his appointment to be the commander of U.S. Strategic Command in 2016. This was actually General Hyten’s second tour of duty at Offutt Air Force Base, having previously commanded the 6th Space Operations Squadron there in the late nineties.

During his 3 years as the commander of STRATCOM, I was privileged to work closely with him, not just as the senior Senator from Nebraska, but also as the chair of the Senate Armed Services Committee’s Strategic Forces subcommittee, which directly oversees STRATCOM’s mission areas.

During this span, we witnessed a marked shift in the strategic landscape as trends with respect to adversary behavior in space and investment in nuclear arms greatly accelerating. This elevated the importance of STRATCOM’s mission and meant that, as its commander, General Hyten was on the front line of some of the most daunting security challenges facing our Nation.

During his tenure, he played a key role in the Department of Defense’s response to these evolving threats. As space transformed into a warfighting domain, his counsel advice was invaluable in Congress reorganization of the Department of Defense’s space enterprise, including the creation of the Space Force and elevation of Space Command to a full-fledged unified combatant command.

He was also an extremely effective advocate for our Nation’s nuclear forces, which continue to be the bedrock of our national security. As a crucial focal champion of nuclear modernization, he helped make the case for renewing the triad and broadening the modernization conversation to increase focus on nuclear command, control and communications—or NC3—systems, as well as our nuclear security Administration’s nuclear complex.

He played an important part in drafting the 2018 Nuclear Posture Review, which marked the first time since the end of the Cold War that an NPR occurred against a backdrop of growing nuclear threats and therefore had to confront the uncomfortable reality that Russia and China had not followed our lead in reducing nuclear stockpiles.

He explained the problem with his customary clarity: “When we started de-emphasizing nuclear weapons, what did the rest of the world do? The rest of the world did exactly the opposite. So if we de-emphasize nuclear weapons, we’re putting the country at jeopardy and we can never allow that to happen.”

Those sage words are still true today and should continue to guide U.S. nuclear policy. They also reflect another of General Hyten’s characteristics that I value greatly: his unwavering focus on the threats facing our Nation. A tireless advocate for a return of threat-based planning, he always endeavored to base his approach on the changing threat picture and to educate those around him about the activities of our adversaries.

When he was nominated to be the next Vice Chairman of the Joint Chiefs of Staff, I felt very strongly that he was the right leader, with the right experience, to help us through this time. I knew he would bring all of the qualities that distinguished him as a STRATCOM commander to bear in his new role, and he did not disappoint.

As Vice Chairman, he continued to discharge his responsibilities with great professionalism and dedication, and his confirmation to the position also meant that the Nation could benefit from his leadership for 2 more years.

Sadly, that time is at an end. And while the 40 years of exemplary service Gen. John Hyten has rendered make this retirement well-earned, I hope he will continue to share his wisdom and counsel. I wish General Hyten and his wife, Laura, a wonderful retirement together and all the best in their future.

AFGHANISTAN

Mrs. BLACKBURN. Madam President, the Biden administration’s disastrous withdrawal from Afghanistan jeopardized our national security, empowered our enemies, and put thousands of innocent lives in jeopardy. But as the situation devolved, stories emerged of heroic efforts to push back the Taliban’s advance and save stranded Americans, allies, and Afghan partners from the clutches of one of the world’s most dangerous terror organizations.

Today, I want to honor a group of unsung heroes who joined this effort from the home front. Team Blackburn is blessed to include a dedicated and talented group of caseworkers and personal staff who treat the needs of Tennesseans like those of their own families. During those chaotic weeks, these people fielded hundreds of panicked calls for help from and on behalf of Tennesseans who were trapped by enemy lines. They used every resource at their disposal, leveraged every connection they could think of and worked more than a few miracles to bring those Tennesseans closer to home.

Membership of the Pro-Life Caucus has made it possible to do what we can do for those Tennesseans. Our voices have been heard and our positions have been made known on the Senate’s Floor. As the leader of the Pro-Life Caucus, I thank the following members of my staff who went above and beyond on behalf of the common cause of freedom: Elizabeth Kelly, Payton Scott, Kaylee Russell, Heather Hatcher, Josh Kneal, Jena Wheeler, Dana Magneson, Caroline Diaz-Barriga, Kim Cordell, Mac McCullough, Alexander Gonzalez, Grace Burch, Jay Strobino, John Clement, Edward Pritchard, and Emily Manning.

TRUMP ADMINISTRATION

Mrs. HYDE-SMITH. Madam President, I rise today to congratulate Gen. John E. Hyten on his retirement from the U.S. Air Force. I also want to extend my congratulations to his wife, Laura, and note the remarkable bond they share. Their love and respect for one another have enabled his success in uniform, and his achievements are truly theirs.

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AFGHANISTAN

Mrs. BLACKBURN. Madam President, the Biden administration’s disastrous withdrawal from Afghanistan jeopardized our national security, empowered our enemies, and put thousands of innocent lives in jeopardy. But
These words helped guide President Trump’s actions in office as he advocated for pro-life policies both domestically and abroad. Domestically, President Trump fought to defend Planned Parenthood and other abortion providers from receiving Federal funding. He signed legislation from receiving title X funding and permitted States to prohibit them from participating in Medicaid as well. In 2018, President Trump issued a rule requiring health insurers to specify whether plans cover abortion. He also issued rules to protect religious objectors and moral objectors from the Department of Health and Human Services contraceptive mandate. In addition, the President established a new Conscience and Religious Freedom division of the Office for Civil Rights to protect healthcare providers who object to participating in abortions.

President Trump’s commitment to the unborn was just as strong abroad. Just days after his inauguration, President Trump also forced abortions. In addition, President Trump also defended the United Nations Population Fund, a program long tied to global health programs through his Protecting Life in Global Health Assistance policy.

In addition, President Trump also defended the United Nations Population Fund, a program long tied to global health programs through his Protecting Life in Global Health Assistance policy. To further underline this, the Trump administration in 2020 declared to the United Nations that abortion is not a human right and signed the Geneva Consensus Declaration, where 33 nations joined together to reaffirm the value of unborn life. Finally, in January 2021, the Trump administration and called for the Chinese Communist Party for its regime of forced abortions across most U.S. global health programs through his Protecting Life in Global Health Assistance policy.

In addition to his work within the executive branch, President Trump also showed his commitment to the pro-life cause by nominating constitutional conservative and originalist judges to the Federal judiciary. He nominated three originalist Justices to the U.S. Supreme Court: Justice Neil Gorsuch in 2017, Justice Brett Kavanaugh in 2018, and Justice Amy Coney Barrett in 2020. More broadly, President Trump nominated 234 new article III judges who share this commitment to upholding our Constitution as written.

As the pro-life movement advances, it is important for us to recognize how we got here. Former President Trump deserves praise for all his administration did over the past 4 years to advance the cause of the unborn. I am grateful for that work and also recognize the tireless advocacy of the Trump administration to protect both women and their babies.

RECOGNIZING THE INTERCESSORS FOR AMERICA

Mrs. HYDE-SMITH. Madam President, for many years, thousands of members of the Intercessors for America—IFA—have been devoted to prayer and fasting in the name of protecting the unborn and of ending abortion. The IFA was founded in 1973 in an era when our Nation experienced turmoil within the political, and traditional values that are the cornerstone of our Nation.

In 1973, the U.S. Supreme Court issued its landmark decision in Roe v. Wade, legalizing abortion and shocking the majority of Americans. IFA has worked since then to mobilize our Nation to pray for the protection of innocent life and to find unity among the cultural conflicts in our country. Today, IFA is a national organization of millions of like-minded people who are steadfast in praying for God’s support and guidance for our Nation’s executive, legislative, and judicial branches of government.

Today, I recognize and pay tribute to the role of the IFA for their dedication, prayers, and fasting in support of the sanctity of life. Their work has helped increase awareness for the pro-life movement and its overarching goal to defend the unborn. It is the decades of prayer and hard work of so many pro-life advocates that has led us to this moment in history in which the Supreme Court will be hearing oral arguments in Dobbs v. Jackson Women’s Health Organization. This case, which focuses on the constitutionality of a Mississippi law that bars abortion after 15 weeks, could reset the abortion issue and return it to elected leaders, who are more directly accountable to the people than Federal judges.

Today, I recognize and pay tribute to the role of the IFA in the nearly 50-year fight to protect innocent life in the womb. I also join with the IFA in praying for the members of our Supreme Court, who are now preparing to hear the Dobbs case. May God grant each Justice wisdom for the task and mercy for the unborn.

TRIBUTE TO SAM BROWNBACK

Mrs. HYDE-SMITH. Madam President, it is an honor to pay tribute to my fellow public servant Sam Brownback on his service both as Governor of Kansas and as a U.S. Senator. He advocated tirelessly for the right to life. More recently, during the last administration, he served as the U.S. Ambassador at Large for International Religious Freedom. Today, I pay tribute to former Congressman Sean Duffy, who represented the pro-life values of the Seventh District of Wisconsin for five terms from 2003 to 2019.

Throughout his time in the House, Representative Duffy remained unwavering in his commitment to the sanctity of life. Whatever pro-life issue
The work of dedicated agency staff like Mrs. Kozma was integral to the many pro-life successes of the past administration. Her tireless work helped ensure the United States could lead in pro-life policies abroad. Mrs. Kozma and others like her deserve recognition and our gratitude.

TRIBUTE TO MIKE POMPEO

Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to former Secretary of State Mike Pompeo. During Mr. Pompeo’s time at the State Department, he worked tirelessly to defend unborn children around the world. Under the leadership of then-Secretary Pompeo, the United States stood as a nation that values all human rights, including the right to life. His bold leadership encouraged other world leaders to join the United States in standing foreign nations that support abortions. This synergy helped ensure that cooperation formed by those negotiations did not promote or permit the agreements formed by those negotiations.

Mr. Pompeo established his pro-life bona fides during his four terms in the U.S. House of Representatives. During that time, he supported numerous pieces of pro-life legislation, such as the No Taxpayer Funding for Abortion Act and the Pain Capable Unborn Child Protection Act. His commitment to the pro-life cause continued in his role as our Nation’s top diplomat. A few particular successes stand out.

First, Secretary Pompeo initiated a new compliance mechanism to enforce the Mexico City Policy, which prohibits taxpayer dollars from being used for abortion overseas. Under the Protecting Life in Global Health Assistance policy, the State Department would refuse to partner with any foreign organizations involved in supporting abortions. Additionally, these nongovernment organizations will also have to provide certification to the State Department that they are not involved with abortions. This highly successful policy overcame proportion of the loopholes that had previously allowed organizations to skirt compliance with the Mexico City Policy.

Second, Secretary Pompeo ensured full enforcement of the Siljander amendment, an annual rider in the State and foreign operations appropriations bill to prohibit the use of U.S. funds, including foreign assistance, to lobby for or against abortion abroad. Third, the Department of State led the United States to sign the Geneva Consensus Declaration in 2020, which reaffirmed “that there is no international right to abortion.” Thirty-three other nations, representing more than 1.6 billion people, also signed the declaration, an achievement that would not have been possible without American leadership on the issue.

Finally, Pompeo’s Department of State in 2020 also sanctioned China for its many human rights abuses, including forced abortions and forced sterilizations. These accomplishments make clear that former Secretary of State Mike Pompeo made true strides in vigorously defending the right to life of the unborn babies around the globe. His endeavors deserve our applause and gratitude.

TRIBUTE TO MORSE TAN

Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to Morse Tan, former Ambassador at Large for Global Criminal Justice, whose dedication to the legal defense of human rights and the rights of the unborn is commendable.

Morse Tan’s work to promote these values has spanned the globe. As an expert on North Korea, he has written extensively about the human rights abuses occurring in that country and how those responsible can be held accountable. In his book, “North Korea, International Law and the Dual Crises: Narrative and Constructive Engagement,” Tan sheds light on the genocide of Christians in North Korea, focusing specifically on the forced abortions imposed on many North Korean women.

As Ambassador at Large for Global Criminal Justice during the last administration, Ambassador Tan worked to gather evidence of China’s repressive treatment of the Uyghurs and other ethnic minorities, including forced abortions and forced sterilizations. Based in part on the Ambassador’s work, Secretary of State Mike Pompeo in July 2020 imposed sanctions on Chinese officials because of human rights abuses. Furthermore, Secretary Pompeo determined that China had committed crimes against humanity and genocide against the Uyghurs and other ethnic minority groups, based on findings of an internal review led by Ambassador Tan.

Ambassador Tan has also undertaken significant work on behalf of the sanctity of life in the United States as well. He has filed amicus briefs in two Supreme Court cases regarding pro-life issues. In McCorvey v. Hill, Ambassador Tan coordinated, researched, and edited some 24 amicus briefs on behalf of Norma McCorvey, who was the plaintiff “Jane Roe” in Roe v. Wade. In Cano v. Baker, he coordinated, researched, and edited briefs on behalf of Sandra Cano, who was the plaintiff “Mary Doe” in Doe v. Bolton.

Finally, I hope that Ambassador Tan’s work as a law professor in courses such as bioethics, international human rights, and constitutional law will inspire a new generation to take up the legal fight to protect the sanctity of life.

It is an honor to recognize Ambassador Morse Tan for his uncompromising work to defend the right of the unborn to live. It is an honor to recognize the dedication and commitment to justice and accountability for perpetrators of forced abortions around the world.

TRIBUTE TO BETHANY KOZMA

Mrs. HYDE-SMITH. Madam President, I rise to recognize Bethany Kozma, former Deputy Chief of Staff at the United States Agency for International Development—USAID. She deserves to be honored for her tireless work during the last administration to execute pro-life, pro-family, and pro-religious freedom policies across USAID.

While her efforts in this regard garnered criticism. Mrs. Kozma remained resolute in advancing the Agency’s firm pro-life positions. Her courage is an example to us all to cling tightly to our strongly held values, even in the face of criticism.

Standing strong, Mrs. Kozma played an integral role in helping the U.S. Department of State, USAID, and the U.S. Department of Health and Human Services better synchronize their efforts in countless multilateral negotiations. This synergy helped ensure that the agreements formed by those negotiations did not promote or permit abortion.

In my own work here in the Senate, I know staff members working behind the scenes do important work that allows me to do my job successfully. No doubt, that is also true in the executive branch.
TRIBUTE TO ANN WAGNER

Mr. HYDE-SMITH. Madam President, I rise to recognize Congresswoman ANN WAGNER, who represents the Second Congressional District of Missouri in the U.S. House of Representatives. Throughout her tenure in the House, Representative WAGNER has remained an outspoken champion for life. Representative WAGNER has worked to protect unborn life, through her vocal support of the Pain-Capable Unborn Child Protection Act and so many other pieces of pro-life legislation. Additionally, she has led the charge to prevent taxpayer funding of abortion on-demand.

This public servant’s efforts to protect vulnerable children from sexual exploitation and trafficking are particularly inspirational. She has fought hard for legislation that would increase the penalties for criminals who profit from sexual exploitation of innocent children.

Representative WAGNER’s commitment to children both inside and outside the womb is commendable. I know I take inspiration from her years of work on behalf of vulnerable children. Therefore, I offer my praise and gratitude for that work as the U.S. Supreme Court takes up Dobbs v. Jackson Women’s Health Organization, a case that the Court takes up Dobbs v. Jackson Women’s Health Organization, a case that the Court takes up Dobbs v. Jackson Women’s Health Organization, a case that the Court takes up

TRIBUTE TO BRANDON BOUCHARD

• Mr. BARRASSO. Madam President, I would like to thank Brandon for his hard work as an intern in the Senate Republican conference. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Brandon is a native of Maryland. He is a graduate of the University of Maryland, College Park, where he studied philosophy, politics, and economics. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Brandon for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.

TRIBUTE TO DAVID GIRALT

• Mr. BARRASSO. Madam President, I would like to thank David for his hard work as an intern in the Energy and Natural Resources Committee. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

David is a native of Casper. He is a graduate student at George Washington University, where he is studying legislative affairs. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank David for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.

TRIBUTE TO STEPHEN HANK HOVERSLAND

• Mr. BARRASSO. Madam President, I would like to thank Stephen for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.

TRIBUTE TO GARTH OWEN COSSAIRT

• Mr. BARRASSO. Madam President, I would like to thank Garth for his hard work as an intern in the Energy and Natural Resources Committee. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Owen is a native of Laramie. He is a student at Georgetown University, where he is studying government and English. He has demonstrated a strong work ethic, which has made him an invaluable asset to our office. The quality of his work is reflected in his great efforts over the last several months.

I want to thank Owen for the dedication he has shown while working for me and my staff. It is a pleasure to have him as part of our team. I know he will have continued success with all of his future endeavors. I wish him all my best on his journey.

TRIBUTE TO MATTHEW LOWE

• Mr. BARRASSO. Madam President, I would like to thank Matthew for his hard work as an intern in the Senate Republican conference. I recognize his efforts and contributions to my office as well as to the State of Wyoming.

Matthew is a native of Oklahoma. He is a graduate of the Texas A&M University on 100 years of educating students in Alamosa, CO. The school was established on May 4, 1921, as Adams State Normal School by the Colorado Legislature following the tireless advocacy of Colorado State Representative William “Billy” Adams. Founded as a teacher’s college, Adams State now has more than 3,000 students enrolled in 27 bachelor’s degree programs, nine master’s degree programs, and one Ph.D. degree program.

Located in the San Luis Valley with deep Hispanic roots, Adams State was the first federally designated Hispanic serving institution in Colorado. The school has also fostered an elite distance-running culture over decades after hosting the U.S. Olympic Marathon Trials in August 1975.

During the past 100 years, Adams State has educated thousands of community leaders, business owners, doctors, attorneys, farmers, and ranchers, and, most...
**CONGRATULATING THE KINDRED HIGH SCHOOL VIKINGS**

Mr. CRAMER. Madam President, for the second time this year, I have the privilege of congratulating my alma mater, Kindred High School, on a State championship.

In March, my hometown school celebrated the boys basketball team’s first State championship. Eight months later, on November 12, the Kindred Vikings football team won the State 11B title at the Dakota Bowl State Football Tournament. The Vikings defeated longtime rivals, the No. 1-ranked Hillsboro-Central Valley Burros, by a score of 37 to 14, for the championship. They had earlier won their first three games, defeating Lisbon, Central Cass, and Bishop Ryan teams.

This was the first State championship for the Vikings since State playoffs sponsored by the North Dakota High School Activities Association began in 1975. They had made only one other Dakota Bowl appearance in 2016. To advance to the tournament this year, the Vikings defeated the Langdon-Edmore-Munich Cardinals, which had played in every Dakota Bowl since 2016.

Graduating from Kindred High School in 1979, I lettered for 4 years in football, basketball and track. I was the starting quarterback my junior and senior years, and our team was bad, me especially.

Knowing firsthand what it is like to persevere on a losing team, watching these Kindred Vikings do it this season with a 12-1 record, was thrilling. I saw very talented athletes excel by tapping into the strength of each player. Notably, the impressive skills of running back Trey Heinrich did not go unnoticed when he was named the MaxPreps North Dakota Player of the Year.

Mr. Beckett graduated from the Massachusetts Institute of Technology in 1963, after which he initially worked as an engineer in the aerospace industry. In 1963, he joined his father’s small manufacturing business, R.W. Beckett Corporation, and 2 years later became president following his father’s death. Under Mr. Beckett’s leadership, this small company grew over time to become a worldwide leader in producing engineered components for residential and commercial heating. With its affiliates, the company employs nearly 1,000 people.

In addition to his business endeavors, Mr. Beckett has long been active in both church and community-related activities. This is where he has established himself as a champion of the pro-life movement.

In 1973, Mr. Beckett became a founding member of the Intercessors for America, a national prayer organization, and he continues to serve on the board today. The Intercessors for America has helped lead grassroots efforts for people of faith to unite in prayer for the pro-life movement and for the unborn. In addition, he also became a founding board member of King’s College in ∧-City, a Christian university, and he also serves on the board of Cru—Campus Crusade for Christ International. Alongside
these community activities, Mr. Beckett also found time to become a published author, writing two books about faith in the workplace.

For these business and community activities, Mr. Beckett has received numerous accolades. He received an honorary doctor of law degree from Spring Arbor University in 2002 and also from King’s College in 2006. He was also named Christian Businessman of the Year by the Christian Broadcasting Network in 1999 and the Entrepreneur of the Year by Ernst & Young in 2003.

Today, he resides in Elyria, OH, with his wife, Wendy, to whom he has been married since 1961.

I am thankful to John D. Beckett for his support of many nonprofit organizations that defend the rights of the unborn and religious freedom. His work in helping establish the Intercessors for America has led to untold numbers of prayers being raised for the pro-life movement. I am pleased to honor his work for the organization as well as his lifetime of service to so many worthy causes.

TRIBUTE TO MARK LEE DICKSON

• Mrs. HYDE-SMITH. Madam President, I rise to pay tribute to Pastor Mark Lee Dickson of Longview, TX, who founded the Sanctuary Cities for the Unborn Initiative in 2019. This innovative organization works to encourage cities and towns to adopt ordinances declaring themselves as Sanctuary Cities for the Unborn.

Under Pastor Dickson’s leadership, this grassroots organization has saved many babies throughout the Nation in 41 towns and cities that have adopted these ordinances.

This is not the only way that Pastor Dickson has dedicated himself to championing the pro-life movement. He also serves as the director of Grassroots for Right to Life of East Texas and as the senior pastor of Sovereign Love Church in Longview.

Across our Nation, pro-life citizens of all ages and backgrounds represent the backbone of the grassroots movement to protect the unborn. Individuals like Pastor Dickson who take it on themselves to help promote life and prevent abortion in their own communities drive the passion in this movement.

The Pastor Dickson and millions of other Americans have kept this issue salient for our political discourse and has led us to the place where the U.S. Supreme Court will be reconsidering its misguided abortion jurisprudence established by Roe v. Wade when it takes up a challenge to a Mississippi law banning most abortions after 15 weeks gestation. In Dobbs v. Jackson Women’s Health Organization, the stage is set for the potential overturning of Roe and returning the issue of abortion to the States.

I pray for Pastor Dickson and that God would raise up more like him. Pastor Dickson’s example shows that the courage of one person can make a difference.
TRIBUTE TO LYNN FITCH

Mr. HYDE-SMITH. Madam President, today I rise to honor our Mississippi Attorney General Lynn Fitch.

My State has much to be proud of in Attorney General Fitch as the first Republican to hold this office in almost 150 years and as Mississippi’s first female attorney general ever.

Specifically today, I rise to honor her for her unwavering fight to defend Mississippi’s pro-life laws. Attorney General Fitch is representing the State of Mississippi in Dobbs v. Jackson Women’s Health Organization, and it is wrong now. It is the most anticipated abortion case to reach the Court since Casey v. Planned Parenthood in 1992, nearly 30 years ago.

In the Dobbs case, Attorney General Fitch is defending a challenge to Mississippi House bill 1510, the Gestational Age Act Enacted in 2018. This legislation bans most abortions after 15 weeks gestation. By consistently defending this law all the way up to the Supreme Court, Attorney General Fitch has set the stage for the Court to consider overruling Roe v. Wade and return the issue of abortion to the States.

The Dobbs case presents the strongest challenge to Roe in our lifetime. It is encouraging that the Supreme Court, with its first conservative majority in many years, will hear arguments on the merits of this Mississippi law. I am so proud that our female Mississippi Attorney General will be in the courtroom to defend our law in this case.

In arguing for the Court to reconsider Roe in the State’s brief in the case, Attorney General Fitch said, “There are those who would like to believe that Roe v. Wade settled the issue of abortion once and for all. But all it did was establish a special-rules regime for a pernicious and wrong law that has left these cases out of step with other Court decisions and neutral principles of law applied by the Court. As a result, state legislatures, and the people they represent, have lacked clarity in passing laws to protect legitimate public interests, and artificial guideposts have stunted important public debate on how we, as a society, care for the dignity of women and their children.”

I wholeheartedly agree. The unlimited-abortion regime created by the Roe v. Wade decision was wrong when it was handed down, and it is wrong now. It is bad for the unborn, and it is bad for women. I hope the Supreme Court recognizes that when it hears oral arguments in the Dobbs case on December 1.

I am confident Attorney General Fitch will make our State proud by steadfastly defending Mississippi’s law to protect unborn Mississippians. Pro-Life Mississippians are proud to have this champion for life representing our State in this landmark case. I am praying for Attorney General Fitch and her staff as they prepare to continue the fight to defend life before the highest court in the land.

TRIBUTE TO MAHAM SHAH

Mr. THUNE. Madam President, today I recognize Maham Shah, an intern in my Washington, D.C. office. All of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Maham is a recent graduate of Baylor University in Waco, TX, having earned degrees in psychology and political science. This spring, Maham plans to continue serving the American people by working on Capitol Hill. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Maham for all of the fine work she has done and wish her continued success in the years to come.

TRIBUTE TO DESTINY WENGER

Mr. THUNE. Madam President, today I recognize Destiny Wenger, an intern in my Aberdeen, SD, office, for all of the hard work she has done for me, my staff, and the State of South Dakota over the past several months.

Destiny is a graduate of Hazelton-McIntosh-Bratton High School in Hazelton, ND. Currently, she is attending Northern State University in Aberdeen, SD, where she is majoring in political science. She is a hard worker who has been dedicated to getting the most out of her internship experience.

I extend my sincere thanks and appreciation to Destiny for all of the fine work she has done and wish her continued success in the years to come.
TRIBUTE TO LAUREN CARSON
• Mr. WHITEHOUSE. Madam President, I rise today to honor an accomplished policymaker, a protector of environmental and public health, and my State representative: Lauren Carson. Representative Carson represents Rhode Island’s 75th district and has a long history of working on issues related to sea level rise, reducing waste, and protecting the health and safety of Rhode Islanders.

Representative Carson holds a bachelor’s degree from Ramapo College and two master’s degrees from the University of Rhode Island. She is a business owner and an environmental advocate who worked for several years with Clean Water Action.

Representative Carson also served her community through several organizations, including the advisory board of the Alliance for a Livable Newport, the Newport Energy and Environment Commission, the Rhode Island Green Infrastructure Coalition, and the Environmental Council of Rhode Island.

In 2014, Representative Carson successfully ran for a seat in the State legislature. At the statehouse, she has moved policy forward to protect Rhode Island’s environment. Among many other accomplishments, Ms. Carson created and led a commission on the effects of rising seas. She introduced a bill that created a uniform statewide process for permitting solar panel installations. She cosponsored legislation to phase out polluting cesspools.

Earlier this year, she was appointed as, deputy majority leader, a role which she used to steward the 2021 Act on Climate into law, setting statewide net-zero goals for 2050 across all sectors. She coleads the Aquidneck Island Climate Caucus to give voice to the importance of protecting and preparing for a warmer world and focus the island’s efforts on sea level rise.

I am glad to recognize Representative Carson’s dedicated service and to share my appreciation for all of her contributions to our State and our environment.

TRIBUTE TO MEG KERR
• Mr. WHITEHOUSE. Madam President. I rise today to honor Meg Kerr, a staunch advocate for the environmental movement. Ms. Kerr retired earlier this year after a successful career of climate leadership and service to the State of Rhode Island.

After graduating from Brown University and the University of North Carolina, Ms. Kerr began her earlier part of her career as a scientist. She worked for the Environmental Protection Agency across North Carolina, Virginia, and Washington, D.C., where she partnered with States to standardize water quality reporting aligned with the Clean Water Act.

Ms. Kerr then moved back to Rhode Island and quickly established herself as a prominent advocate for the environment, taking on roles at the Rhode Island Rivers Council, the Narragansett Bay Estuary Program, and Clean Water Action. Ms. Kerr closed out her impressive career as the Audubon Society of Rhode Island’s Senior Director of Policy.

To add to the list of her accomplishments. Ms. Kerr was a founder of the Rhode Island Green Infrastructure Coalition and helped launch the Providence Stormwater Innovation Center. She also helped found the annual Land and Water Conservation Summit that brought together leaders from the environmentalists from the State and region for over a decade. Ms. Kerr is passionate about pollinators, as demonstrated by her work organizing the Bee Rally to bring attention to the threats faced by our beloved bugs.

Ms. Kerr is a fierce and respected leader for the environment and a familiar face at the Rhode Island statehouse. Her expertise, mentorship of several and achievements she has done for Rhode Island’s environmental community has made a real mark on our State. I am proud to recognize her service and thank her for all she has done to protect our environment.

MESSAGES FROM THE PRESIDENT
Messages from the President of the United States were communicated to the Senate by Mr. Swann, one of his secretaries.

EXECUTIVE MESSAGES REFERRED
As in executive session the Presiding Officer laid before the Senate messages from the President of the United States submitting sundry nominations which were referred to the Committee on the Judiciary.

The messages received today are printed at the end of the Senate proceedings.

PRESIDENTIAL MESSAGE

REPORT ON THE ISSUANCE OF AN EXECUTIVE ORDER THAT TERMINATES THE NATIONAL EMERGENCY DECLARED IN EXECUTIVE ORDER 13712 OF NOVEMBER 22, 2015, WITH RESPECT TO BURUNDI, AND REVOVES THAT EXECUTIVE ORDER—PM 18

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Banking, Housing, and Urban Affairs:

To the Congress of the United States:

Consistent with subsection 204(b) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(b), I hereby report that I have issued an Executive Order that terminates the national emergency declared in Executive Order 13712 of November 22, 2015, and revokes that Executive Order.

The President issued Executive Order 13712 to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in Burundi, which had been marked by the killing of and violence against civilians, unrest, incitement of imminent violence, and significant political repression. In Executive Order 13712, the President addressed the threat by blocking the property and interests in property of, among others, persons determined by the Secretary of the Treasury, in consultation with the Secretary of State, to be responsible for or
complicit in actions or policies that threaten the peace, security, and stability of Burundi or undermine democratic processes or institutions in Burundi, or to have engaged in human rights abuses.

I have determined that the situation in Burundi that gave rise to the national emergency declared in Executive Order 13712 has been significantly altered by events of the past year, including the transfer of power following elections in 2020, significantly decreased violence, and President Ndayishimiye’s pursuit of reforms across multiple sectors. For these reasons I have determined that it is necessary to terminate the national emergency declared in Executive Order 13712 and revoke that order.

I am enclosing a copy of the Executive Order I have issued.

Joseph R. Biden, Jr.
THE WHITE HOUSE, November 18, 2021.

MESSAGE FROM THE HOUSE
At 11:15 a.m., a message from the House was received, delivered by Mr. Alli, one of its reading clerks, announcing that the House has passed the following bill, in which it requests the concurrence of the Senate:

MEASURES REFERRED
The following bill was read the first and the second times by unanimous consent, and referred as indicated:
H.R. 5632. An act to amend the Homeland Security Act of 2002 to establish the Acquisition Review Board in the Department of Homeland Security, and for other purposes:
- to the Committee on Homeland Security and Governmental Affairs.

PRIVILEGED NOMINATIONS REFERRED TO COMMITTEE
On request by Senator Tommy Tuberville, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Homeland Security and Governmental Affairs: Michael F. Gerber, of Pennsylvania, to be a Member of the Federal Retirement Thrift Investment Board for a term ending September 25, 2022, vice Michael D. Kennedy, term expired.

On request by Senator Tommy Tuberville, under the authority of S. Res. 116, 112th Congress, the following nomination was referred to the Committee on Homeland Security and Governmental Affairs: Michael F. Gerber, of Pennsylvania, to be a Member of the Federal Retirement Thrift Investment Board for a reappointment term expiring September 25, 2026.

EXECUTIVE AND OTHER COMMUNICATIONS
The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:
EC–2626. A communication from the Treasurer of the National Gallery of Art, transmitting, pursuant to law, the Gallery’s Inspector General Report for fiscal year 2021, to the Committee on Homeland Security and Governmental Affairs.
EC–2627. A communication from the Director, Office of Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation: Federal Acquisition Service, Alcohol, Tobacco and Firearms Center of Excellence” (FAC 2022-01) received in the Office of the President of the Senate on November 15, 2021; to the Committee on Homeland Security and Governmental Affairs.

EC–2628. A communication from the Director, Office of Acquisition Policy, General Services Administration, transmitting, pursuant to law, the report of a rule entitled “Federal Acquisition Regulation; Federal Acquisition Circular 2022-01, Introduction” (FAC 2022-01) received in the Office of the President of the Senate on November 15, 2021; to the Committee on Homeland Security and Governmental Affairs.
EC–2634. A communication from the Secretary of the Interior, United States Postal Service, transmitting, pursuant to law, the Board’s annual report relative to its compliance with Section 36b(b)(5) of the Postal Accountability and Enhancement Act of 2006; to the Committee on Homeland Security and Governmental Affairs.
EC–2635. A communication from the Chairman of the Board, Farm Credit System Insurance Corporation, transmitting, pursuant to law, the Corporation’s consolidated report addressing the Board’s financial condition and performance (FMPIA or Integrity Act); to the Committee on Homeland Security and Governmental Affairs.
EC–2636. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration’s Semiannual Report of the Inspector General and the Semiannual Management Report on the Status of Audits for the period from April 1, 2021 through September 30, 2021; to the Committee on Homeland Security and Governmental Affairs.
EC–2637. A communication from the Board Chairman and Chief Executive Officer, Farm Credit Administration, transmitting, pursuant to law, the Administration’s Performance and Accountability Report for fiscal year 2021; to the Committee on Homeland Security and Governmental Affairs.
EC–2638. A communication from the Senior Advisor to the Department of Health and Human Services, transmitting, pursuant to law, a report relative to two (2) vacancies in the Department of Health and Human Services, received in the Office of the President of the Senate on November 15, 2021; to the Committee on Indian Affairs.

EC–2639. A communication from the Director of the Office of Regulatory Affairs and Collaborative Action, Bureau of Indian Affairs, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled “Selection of Directors of the Bureau of Indian Minerals Council” (RIN1076–AF58) received in the Office of the President of the Senate on November 2, 2021; to the Committee on Indian Affairs.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of nominations were submitted:
By Mr. MANCHIN for the Committee on Energy and Natural Resources.
By Mr. Case, of Connecticut, for the Committee on Homeland Security and Governmental Affairs.
By Mr. DURBIN for the Committee on the Judiciary.

EXECUTIVE REPORTS OF COMMITTEES
The following executive reports of nominations were submitted:
By Mr. MANCHIN for the Committee on Energy and Natural Resources.
By Mr. Case, of Connecticut, for the Committee on Homeland Security and Governmental Affairs.
By Mr. MANCHIN for the Committee on Energy and Natural Resources.
By Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. COTTON, Mr. MARKSS, Mr. CORTEZ MASTO, Ms. SMITH, Ms. WARNEN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. AYOTTE, and Ms. LUMMIS) for the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. COTTON, Mr. MARKSS, Mr. CORTEZ MASTO, Ms. SMITH, Ms. WARNEN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. AYOTTE, and Ms. LUMMIS) for the Committee on Homeland Security and Governmental Affairs.

By Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. COTTON, Mr. MARKSS, Mr. CORTEZ MASTO, Ms. SMITH, Ms. WARNEN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. AYOTTE, and Ms. LUMMIS) for the Committee on Homeland Security and Governmental Affairs.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS
The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:
By Mr. WYDEN (for himself and Ms. LUMMIS) for the Committee on Homeland Security and Governmental Affairs.
S. 3231. A bill to amend title 18, United States Code, to require law enforcement officials to obtain a warrant before accessing data stored in cars, and for other purposes; to the Committee on the Judiciary.
By Mr. CASEY (for himself, Ms. KLOBUCHAR, Mr. COTTON, Mr. MARKSS, Mr. CORTEZ MASTO, Ms. SMITH, Ms. WARNEN, Mr. COONS, Mrs. FEINSTEIN, Ms. BALDWIN, Mr. AYOTTE, and Ms. LUMMIS) for the Committee on Homeland Security and Governmental Affairs.
consumer product safety rule for free-standing clothing storage units to protect children from tip-over related death or injury, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 3233. A bill to help increase the development, distribution, and use of clean cookstoves and fuels to improve health, protect the climate and environment, empower women, create jobs, and help consumers save time and money; to the Committee on Foreign Relations.

By Mr. OSSOFF (for himself and Mr. SCOTT of South Carolina):

S. 3234. A bill to provide for outreach and assistance to historically Black colleges and universities regarding Defense Innovation Unit programs; to the Committee on Armed Services.

By Mr. MENENDEZ (for himself, Mr. BROWN, and Mr. CARDIN):

S. 3235. A bill to apply the Truth in Lending Act to small business financing, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Ms. KLOBUCHAR (for herself, Mr. THUNE, Mr. HICKENLOOPER, and Mr. MURKOWSKI):

S. 3236. A bill to require the Federal Communications Commission to reform the contribution of broadcasters, the Universal Service Fund, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCHATZ (for himself and Mr. BRAUN):

S. 3237. A bill to amend title 49, United States Code, to include affordable housing incentives in certain capital investment grants, and for other purposes; to the Committee on Banking, Housing, and Urban Affairs.

By Mr. CASEY (for himself and Mr. DAINESE):

S. 3238. A bill to assist employers providing employment under special certificates issued under section 14(c) of the Fair Labor Standards Act of 1938 in transforming their business and program models to models that support people with disabilities through competitive integrated employment, to phase people with disabilities through competitive integrated employment, to phase

By Mr. BROWN (for himself, Mr. KING, Ms. BALDWIN, Mr. CASEY, Ms. SMITH, Mr. BLUMENTHAL, Mr. VAN HOLLEN, Mr. WHITEHOUSE, Mr. CORTEZ MASTO, Mr. MARKEY, Mr. Kaine, Ms. KLOBUCHAR, Mr. BOOKER, and Ms. ROSEN):

S. 3239. A bill to amend title XXVII of the Public Health Service Act to provide for a special enrollment period for pregnant persons, and for other purposes; to the Committee on Finance.

By Mr. RUBIO (for himself, Mrs. GILLIBRAND, Mr. COTTON, Mr. SCOTT of Florida, Mr. BERNSTEIN, Mr. RISCH, and Mrs. BLACKBURN):

S. 3240. A bill to waive the application fee for applications for special use permits for veterans' special events at war memorials on land administered by the National Park Service in the District of Columbia and its environs, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. KENNEDY:

S. 3241. A bill to amend title 28, United States Code, to permit claims against foreign states for unlawful computer intrusions, and for other purposes; to the Judiciary.

By Mr. MORAN:

S. 3242. A bill to provide for the settlement of claims relating to the Shab-eh-nay Band Reservation in Illinois, and for other purposes; to the Committee on Indian Affairs.

By Mr. LEE:

S. 3243. A bill to prohibit certain Federal agencies from requiring that any employee of such an agency receive a COVID–19 vaccine, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Ms. BALDWIN (for herself, Ms. COLLINS, Ms. ROSEN, Ms. MURKOWSKI, and Mr. CARDIN):

S. 3244. A bill to amend the Public Health Service Act to establish a Bio-Preparedness and Infectious Diseases Workforce Loan Repayment Program Committee on Health, Education, Labor, and Pensions.

By Ms. MURKOWSKI (for herself and Mr. MURphy):

S. 3245. A bill to establish the Interagency Working Group on Coastal Blue Carbon, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. PETERS (for himself and Mrs. CAPITO):

S. 3246. A bill to amend title XVIII of the Social Security Act to expand the occurrence of diabetes in Medicare beneficiaries by extending coverage under Medicare for medical nutrition therapy services to such beneficiaries with prediabetes with risk factors for developing type 2 diabetes; to the Committee on Finance.

By Mr. CORTEZ MASTO (for himself, Mr. TREYBIG, Mr. BLUMENTHAL, Ms. ROSEN, Ms. HIRONO, Mr. BROWN, and Mr. KELLY):

S. 3247. A bill to extend certain expiring provisions of law relating to benefits provided under Department of Veterans Affairs educational assistance programs during the COVID–19 pandemic, and for other purposes; to the Committee on Veterans' Affairs.

By Mr. RUBIO (for himself, Mr. BRAUN, Mr. CRAMER, and Mr. SCOTT of Florida):

S. 3248. A bill to allow States and Tribal entities to use unexpended COVID–19 relief funds to purchase on behalf of employers for violating the emergency temporary standard issued by the Department of Labor relating to COVID–19 Vaccination and Testing and any final rule issued with respect to such emergency temporary standard, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. UDEN (for himself and Ms. LUMMIS):

S. 3249. A bill to enforce the rules of construction applicable to information reporting requirements, breaking requirements, and with respect to such emergency temporary standard, and for other purposes; to the Committee on Finance.

By Mr. CASEY:

S. 3250. A bill to increase access to higher education by providing public transit grants; to the Committee on Commerce, Science, and Transportation.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, Ms. WARNER, Mr. BROWN, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. REED):

S. 3251. A bill to provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to omitted agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against institutions in higher education; to the Committee on Health, Education, Labor, and Pensions.

By Mr. LEE (for himself and Ms. LUMMIS):

S. 3252. A bill to address the supply chain backlog in the freight network at United States ports, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. COTTON:

S. 3253. A bill to amend the Family and Medical Leave Act of 1993 to provide leave for the spontaneous loss of an unborn child, and for other purposes; to the Committee on Finance.

By Mr. MERKLEY (for himself, Mr. BLUMENTHAL, and Ms. WARREN):

S. 3254. A bill to prohibit local educational agencies to help public schools reduce class size in the early elementary grades, and for other purposes; to the Committee on Health, Education, Labor, and Pensions.

By Mr. BOOKER:

S. 3255. A bill to direct the Secretary of Veterans Affairs to increase the number of Vet Centers in certain States based on population metrics, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. SCOTT of Florida (for himself and Mr. LANKFORD):

S. 3256. A bill to amend the Robert T. Stafford Disaster Relief and Emergency Assistance Act to improve accountability of disaster contracts, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

By Mrs. SHAHEEN (for herself and Mr. CAPITO):

S. 3257. A bill to amend the Controlled Substances Act to lengthen the period of time during which certain controlled substances must be administered to a patient after being delivered by a pharmacy to the administering practitioner; to the Committee on the Judiciary.

By Mr. MARKEY (for himself, Mr. VAN HOLLEN, Mr. KLOBUCHAR, Mr. BLUMENTHAL, and Mr. SMITH):

S. 3258. A bill to conduct or support further comprehensive research for the creation of a universal influenza vaccine or preventative; to the Committee on Health, Education, Labor, and Pensions.

By Ms. KLOBUCHAR (for herself and Mr. HIRONO):

S. 3259. A bill to amend the Internal Revenue Code of 1986 to recognize Indian tribal governments for purposes of determining under the adoption credit whether a child has special needs; to the Committee on Finance.

By Mr. WICKER:

S. 3260. A bill to require a 20th anniversary review of the missions, capabilities, and performance of the Transportation Security Administration; to the Committee on Commerce, Science, and Transportation.

By Mr. BRAUN:

S. 3261. A bill to amend title 38, United States Code, to provide for the inclusion of certain emblems on headstones and markers furnished for veterans by the Secretary of Veterans Affairs, and for other purposes; to the Committee on Veterans’ Affairs.

By Mr. WICKER (for himself, Mrs. CAPITO, Mr. MORAN, Mr. YOUNG, and Mrs. BLACKBURN):

S. 3262. A bill to improve the efficient movement of freight at ports in the United States, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. SCOTT of Florida (for himself, Mr. TUBEVILLE, Mrs. BLACKBURN, Mr. JOHNSON, Mr. PORTMAN, Mr. NELSON, and Mr. LEE):

S. 3263. A bill to require the Inspector General of the Department of Homeland Security to investigate the vetting and processing of illegal aliens apprehended along the southwest border and to ensure that all laws are being upheld; to the Committee on the Judiciary.

By Mr. LUIJÁN (for himself, Mr. CRAMER, Mr. HEINRICH, and Mr. MANCHIN):
S. 3264. A bill to require the Secretary of the Interior and the Secretary of Agriculture to develop long-distance bike trails on Federal land, and for other purposes; to the Committee on Energy and Natural Resources.

By Mr. PORTMAN (for himself and Mr. BROWN):  
S. 3265. A bill to require the National Nuclear Security Administration to release all of its reversionary rights to the building located at 4170 Allium Court, Springfield, Ohio; to the Committee on Armed Services.

By Mr. MANCHIN (for himself and Mr. BARRASSO):
S. 3266. A bill to improve recreation opportunities on, and to facilitate greater access to, Federal public land, and for other purposes; to the Committee on Energy and Natural Resources.

By Ms. KLOBUCHAR (for herself, Mr. BLUMENTHAL, Ms. HIRONO, and Mr. BOOKER):
S. 3267. A bill to reform the antitrust laws to better protect competition in the American economy, to amend the Clayton Act to modify the standard for an unlawful acquisition; to the Committee on the Judiciary.

By Mr. FAPUL (for himself, Mr. SANDERS, and Mr. LEE):
S.J. Res. 31. A joint resolution providing for congressional disapproval of the proposed foreign military sale to the Kingdom of Saudi Arabia of certain defense articles; to the Committee on Foreign Relations.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. DURBIN (for himself, Mr. RISCH, Mr. LEAHY, Mr. COONS, Mr. ROUNDS, Mr. BOOZMAN, and Mr. CARDIN):
S. Res. 456. A resolution expressing support for the bicentennial of Harriet Tubman’s birth.

By Ms. WARREN (for herself, Mrs. CAPRIO, and Mr. RISCH):
S. Res. 457. A resolution expressing support for the designation of November 9, 2021, as “National Microtia and Atresia Awareness Day”; to the Committee on Health, Education, Labor, and Pensions.

By Mr. COONS:
S. Res. 458. A resolution recognizing the 75th anniversary of the establishment of the United Nations Children’s Fund; to the Committee on Foreign Relations.

ADDITIONAL COSPONSORS

S. 327
At the request of Mr. KELLY, the name of the Senator from Minnesota (Ms. KLOBUCHAR) was added as a cosponsor of S. 327, a bill to direct the Administrator of the Small Business Administration to establish a border closure recovery loan program for small businesses located near the United States border, and for other purposes.

S. 355
At the request of Mr. MARKZEY, the name of the Senator from California (Mr. PADILLA) and the Senator from New Mexico (Mr. HEINRICH) were added as cosponsors of S. 355, a bill to extend the Secure Rural Schools and Community Self-Determination Act of 2000.

S. 420
At the request of Mr. BOOKER, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 420, a bill to award posthumously the Congressional Gold Medal to Emmett Till and Mamie Till-Mobley.

S. 635
At the request of Ms. ERNST, the name of the Senator from Georgia (Mr. OSSEFF) was added as a cosponsor of S. 535, a bill to authorize the location of a memorial on the National Mall to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism, and for other purposes.

S. 551
At the request of Mr. BROWN, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 561, a bill to amend title XIX of the Social Security Act to improve access to adult vaccines under Medicaid.

S. 697
At the request of Mr. ROSEN, the name of the Senator from Mississippi (Mrs. HYDE-SMITH) was added as a cosponsor of S. 697, a bill to require the Secretary of the Treasury to mint commemorative coins in recognition of the Bicentennial of Harriet Tubman’s birth.

S. 904
At the request of Mr. RISCH, the names of the Senator from Oregon (Mr. WYDEN) and the Senator from New Hampshire (Ms. HASSAN) were added as cosponsors of S. 904, a bill to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information systems mapping data relating to public access to Federal land and waters for outdoor recreation, and for other purposes.

S. 910
At the request of Mr. MERKLEY, the name of the Senator from California (Mrs. FERNSTEIN) was added as a cosponsor of S. 910, a bill to create protections for financial institutions that provide financial services to cannabis-related legitimate businesses and service providers for such businesses, and for other purposes.

S. 1098
At the request of Mr. WARNER, the name of the Senator from Minnesota (Ms. SMITH) was added as a cosponsor of S. 1098, a bill to amend the Higher Education Act of 1965 to authorize borrowers to separate joint consolidation loans.

S. 1123
At the request of Mr. STABENOW, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a cosponsor of S. 1123, a bill to recommend that the Center for Medicare and Medicaid Innovation test the effect of a dementia care management model, and for other purposes.

S. 1198
At the request of Ms. HASSAN, the name of the Senator from Maine (Ms. COLLINS) was added as a cosponsor of S. 1198, a bill to amend title 36, United States Code, to improve and expand the Solid Start program of the Department of Veterans Affairs, and for other purposes.

S. 1219
At the request of Mr. BLUMENTHAL, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1210, a bill to amend the Lacey Act Amendments of 1981 to clarify provisions enacted by the Captive Wildlife Safety Act, to further the conservation of certain wildlife species, and for other purposes.

S. 1488
At the request of Mr. DUCKWORTH, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a cosponsor of S. 1488, a bill to amend title 37, United States Code, to establish a basic needs allowance for low-income regular members of the Armed Forces.

S. 1625
At the request of Mr. CRAMER, the name of the Senator from Tennessee (Mrs. BLACKBURN) was added as a cosponsor of S. 1625, a bill to authorize notaries public to perform, and to establish minimum standards for, electronic notarizations and remote notarizations that occur in or affect interstate commerce, to require any Federal court to recognize notarizations performed by a notarial officer of any State, to require any State to recognize notarizations performed by a notarial officer of any other State when the notarization was performed under or relates to a public Act, record, or judicial proceeding of the notarial officer’s State or when the notarization occurs in or affects interstate commerce, and for other purposes.

S. 1679
At the request of Mr. CASEY, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of S. 1679, a bill to amend title VII of the Public Health Service Act to authorize assistance for increasing workforce diversity in the professions of physical therapy, occupational therapy, respiratory therapy, audiology, and speech-language pathology, and for other purposes.

S. 1725
At the request of Mr. ROUNDS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of S. 1725, a bill to grant a Federal charter to the National American Indian Veterans, Incorporated.
At the request of Mr. MENENDEZ, the name of the Senator from North Carolina (Mr. TILLIS) was added as a co-sponsor of S. 1748, a bill to modify the prohibition on recognition by United States courts of certain rights relating to certain marks, trade names, or commercial names.

At the request of Mr. BOOKER, the name of the Senator from Hawaii (Ms. HIRONO) was added as a cosponsor of S. 1790, a bill to remove college cost as a barrier to every student having access to a well-prepared and diverse educator workforce, and for other purposes.

At the request of Mr. COONS, the name of the Senator from Wyoming (Mr. BARRASSO) was added as a cosponsor of S. 1813, a bill to direct the Secretary of Health and Human Services to support research on, and expanded access to, investigational drugs for amyotrophic lateral sclerosis, and for other purposes.

At the request of Mr. BENNET, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a co-sponsor of S. 1901, a bill to amend the Act of June 18, 1934, to reauthorize the authority of the Secretary of the Interior to take land into trust for Indian Tribes, and for other purposes.

At the request of Mr. CARDED by the name of the Senator from Hawaii (Ms. HIRONO) was added as a co-sponsor of S. 1964, a bill to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, and for other purposes.

At the request of Mr. PADILLA, the name of the Senator from Rhode Island (Mr. WHITEHOUSE) was added as a co-sponsor of S. 2103, a bill to amend the Revised Statutes of the United States to hold certain public employers liable in civil actions for deprivation of rights, and for other purposes.

At the request of Mr. MORAN, the name of the Senator from Georgia (Mr. WARNOCK) was added as a co-sponsor of S. 2160, a bill to prohibit the Administrator of General Services from establishing per diem reimbursement rates for travel within the continental United States (commonly known as “CONUS”) for certain fiscal years below a certain level, and for other purposes.

At the request of Mr. BLUMENTHAL, the name of the Senator from North Carolina (Mr. BURR) was added as a co-sponsor of S. 2233, a bill to establish a grant program for shuttered minor league baseball clubs, and for other purposes.

At the request of Mr. CARDIN, the name of the Senator from Delaware (Mr. COONS) was added as a co-sponsor of S. 2266, a bill to amend the Internal Revenue Code of 1986 to improve the historic rehabilitation tax credit, and for other purposes.

At the request of Mrs. GILLIBRAND, the name of the Senator from Maine (Ms. COLLINS) was added as a co-sponsor of S. 2342, a bill to amend title 9 of the United States Code with respect to arbitration of disputes involving sexual assault and sexual harassment.

At the request of Mr. CRUZ, the names of the Senator from California (Mrs. FEINSTEIN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 2376, a bill to ensure the parental guardianship rights of cadets and midshipmen consistent with individual and academic responsibilities, and for other purposes.

At the request of Ms. DUCKWORTH, the name of the Senator from Hawaii (Ms. HIRONO) was added as a co-sponsor of S. 2490, a bill to allow Americans to receive paid leave time to process and address their own health needs and the health needs of their partners during the period following a pregnancy loss, an unsuccessful round of intrauterine insemination or of an assisted reproductive technology procedure, a failed adoption arrangement, a failed surrogacy arrangement, or a diagnosis or event that impacts pregnancy or fertility, to support related research and education, and for other purposes.

At the request of Mr. BENNET, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2493, a bill to extend the deadline for eligible health care providers to use certain funds received from the COVID–19 Provider Relief Fund, and for other purposes.

At the request of Mr. PORTMAN, the names of the Senator from Georgia (Ms. ROSEN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 2569, a bill to establish the National Deepfake and Digital Provenance Task Force, and for other purposes.

At the request of Ms. STABENOW, the names of the Senator from Maine (Mr. KING) and the Senator from North Dakota (Mr. CRAMER) were added as cosponsors of S. 2562, a bill to amend title XVIII of the Social Security Act to improve extended care services by providing Medicare beneficiaries with an option for cost-effective home-based extended care under the Medicare program, and for other purposes.

At the request of Mr. CARDIN, the name of the Senator from New Hampshire (Mrs. SHAHEREN) was added as a co-sponsor of S. 2757, a bill to amend the American Rescue Plan Act of 2021 to increase appropriations to Restaurant Revitalization Fund, and for other purposes.

At the request of Mr. CRAPPO, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2721, a bill to require the Internal Revenue Service to issue a report on the tax gap to establish a fellowship program within the Internal Revenue Service to recruit mid-career tax professionals to create and participate in an audit task force, and for other purposes.

At the request of Mr. LANKFORD, the name of the Senator from Arizona (Mr. KELLY) was added as a cosponsor of S. 2727, a bill to provide for a period of continuing appropriations in the event of a lapse in appropriations under the normal appropriations process, and establish procedures and consequences in the event of a failure to enact appropriations.

At the request of Mr. MARSHALL, the name of the Senator from Arkansas (Mr. BOOZMAN) was added as a cosponsor of S. 2780, a bill to amend title 10, United States Code, to authorize the Secretary of Defense to convene an activity or to take other appropriate action in connection with investigation of adverse personnel actions taken against members of the Armed Forces based on declining the COVID–19 vaccine.

At the request of Mr. PORTMAN, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of S. 2838, a bill to require the Director of the Government Publishing Office to establish and maintain an online portal accessible to the public that allows the public to obtain electronic copies of all congressionally mandated reports in one place, and for other purposes.

At the request of Mr. THUNE, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 2959, a bill to provide that, due to disruptions caused by COVID–19, applications for impact aid funding for fiscal year 2023 may use certain data submitted in the fiscal year 2022 application.

At the request of Mr. MERKLEY, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 2960, a bill to encourage reduction of disposable plastic products in units of the National Park System, and for other purposes.

At the request of Mrs. BLACKBURN, the name of the Senator from Iowa (Ms. ERNST) was added as a cosponsor of S. 2973, a bill to establish an Inspector General of the National Institutes of Health.

At the request of Mr. MARSHALL, the names of the Senator from Delaware (Mr. CARPER) and the Senator from Louisiana (Mr. CASSIDY) were added as
cospersons of S. 3018, a bill to amend title XVIII of the Social Security Act to establish requirements with respect to the use of prior authorization under Medicare Advantage plans, and for other purposes.

S. 3079
At the request of Mrs. BLACKHURN, the name of the Senator from Missouri (Mr. HAWLEY) was added as a co sponsor of S. 3079, a bill to exempt essential workers from Federal COVID–19 vaccine mandates.

S. 3108
At the request of Ms. HIRONO, the name of the Senator from Ohio (Mr. BROWN) was added as a co sponsor of S. 3108, a bill to provide counsel for unaccompanied children, and for other purposes.

S. 3111
At the request of Mr. COONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a co sponsor of S. 3111, a bill to require the Secretary of Energy to establish a grant program to support hydrogen-fueled equipment at ports and to conduct a study with the Secretary of Transportation and the Secretary of Homeland Security on the feasibility and safety of using hydrogen-fueled fueling stations, including ammonia, as a shipping fuel.

S. 3118
At the request of Mr. COONS, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a co sponsor of S. 3118, a bill to require the Secretary of Energy to establish a hydrogen infrastructure finance and innovation pilot program, and for other purposes.

S. 3149
At the request of Mr. MERKLEY, the name of the Senator from Virginia (Mr. Kaine) was added as a co sponsor of S. 3149, a bill to direct the Secretary of Health and Human Services to establish within the Office of the Director of the Centers for Disease Control and Prevention the Office of Rural Health, and for other purposes.

S. 3188
At the request of Mr. CARDIN, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a co sponsor of S. 3188, a bill to require non-Federal prison, correctional, and detention facilities holding Federal prisoners or detainees under a contract with the Federal Government to make the same information available to the public that Federal prisons and correctional facilities are required to make available.

S. 3197
At the request of Ms. KLOBUCHAR, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Texas (Mr. CRUZ) were added as cospersons of S. 3197, a bill to promote competition and economic opportunity in digital markets by establishing that certain acquisitions by dominant online platforms are unlawful.

S. 3227
At the request of Mr. MENENDEZ, the name of the Senator from Louisiana (Mr. CASSIDY) was added as a co sponsor of S. 3227, a bill to amend the Internal Revenue Code of 1986 to provide special rules for purposes of determining if financial guaranty insurance companies are qualifying insurance corporations under the passive foreign investment company rules.

S. 3229
At the request of Mr. MENENDEZ, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a co sponsor of S. 3229, a bill to amend the Animal Welfare Act to restrict the use of exotic and wild animals in traveling performances.

S. 3229
At the request of Mrs. FISCHER, the name of the Senator from Illinois (Mr. DURBIN) was added as a co sponsor of S. 3229, a bill to amend the Agricultural Marketing Act of 1946 to establish a cattle contract library, and for other purposes.

AMENDMENT NO. 3887
At the request of Mr. REED, the name of the Senator from Oklahoma (Mr. INHOFE) was added as a co sponsor of amendment No. 3887 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3893
At the request of Mr. DURBIN, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a co sponsor of amendment No. 3893 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3895
At the request of Mr. DURBIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a co sponsor of amendment No. 3895 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3901
At the request of Mr. MORAN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a co sponsor of amendment No. 3901 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3904
At the request of Mr. WARNOCK, the name of the Senator from New Mexico (Ms. ROSEN) was added as a co sponsor of amendment No. 3904 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3914
At the request of Mr. HOEVEN, the name of the Senator from Montana (Mr. DAINES) was added as a co sponsor of amendment No. 3914 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3948
At the request of Mr. PORTMAN, the name of the Senator from Montana (Mr. DAINES) was added as a co sponsor of amendment No. 3948 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3959
At the request of Mr. BOOZMAN, the name of the Senator from Nevada (Ms. ROSEN) was added as a co sponsor of amendment No. 3959 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 3965
At the request of Ms. ERNST, the name of the Senator from South Carolina (Mr. SCOTT) was added as a co sponsor of amendment No. 3965 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4023
At the request of Mrs. SHAHEEN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a co sponsor of amendment No. 4023 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4075
At the request of Mr. HAWLEY, the name of the Senator from South Carolina (Mr. SCOTT) was added as a co sponsor of amendment No. 4075 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.
At the request of Mr. LANKFORD, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4105 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. LEAHY, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of amendment No. 4119 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. WICKER, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4120 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. PADILLA, the name of the Senator from North Carolina (Mr. PILLIS), the Senator from New York (Mrs. GILLIBRAND) and the Senator from Maine (Ms. COLLINS) were added as cosponsors of amendment No. 4125 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Ms. HASSAN, the name of the Senator from Texas (Mr. CORNYN) was added as a cosponsor of amendment No. 4155 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Michigan (Mr. PEETERS) was added as a cosponsor of amendment No. 4177 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. WICKER, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4192 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. MENENDEZ, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of amendment No. 4239 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. PORTMAN, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of amendment No. 4404 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. ROUNDS, the name of the Senator from South Carolina (Mr. GRAHAM) was added as a cosponsor of amendment No. 4422 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

At the request of Mr. REED, the names of the Senator from Nevada (Ms.
ROSEN) and the Senator from Georgia (Mr. WARNOCK) were added as cosponsors of amendment No. 4425 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4776

At the request of Mr. ROMNEY, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4776 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4778

At the request of Ms. ERNST, the names of the Senator from Georgia (Mr. OSSOFF) and the Senator from Idaho (Mr. CRAPPO) were added as cosponsors of amendment No. 4778 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4831

At the request of Mrs. GILLIBRAND, the name of the Senator from Nevada (Ms. ROSEN) was added as a cosponsor of amendment No. 4831 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4950

At the request of Mr. SANDERS, the names of the Senator from Hawaii (Mr. SCHAFER) and the Senator from Oregon (Mr. MERKLEY) were added as cosponsors of amendment No. 4950 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4959

At the request of Mr. Lujan, the name of the Senator from New Mexico (Mr. HEINRICH) was added as a cosponsor of amendment No. 4959 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4600

At the request of Mr. DUCKWORTH, the names of the Senator from Nevada (Ms. ROSEN) and the Senator from Hawaii (Ms. HIRONO) were added as cosponsors of amendment No. 4600 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4629

At the request of Mr. Risch, the name of the Senator from Maryland (Mr. CARDIN) was added as a cosponsor of amendment No. 4629 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4638

At the request of Mr. WICKER, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of amendment No. 4638 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4649

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4649 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4694

At the request of Mr. SANDERS, the name of the Senator from New Jersey (Mr. BOOKER) was added as a cosponsor of amendment No. 4694 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4666

At the request of Mr. SULLIVAN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4666 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4671

At the request of Mr. TOOMEY, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of amendment No. 4671 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4686

At the request of Mr. CORNYN, the name of the Senator from Alabama (Mr. TUBERVILLE) was added as a cosponsor of amendment No. 4686 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

AMENDMENT NO. 4719

At the request of Mr. BROWN, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of amendment No. 4719 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.
2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**AMENDMENT NO. 4732**

At the request of Mr. SANDERS, the names of the Senator from Massachusetts (Ms. WARREN) and the Senator from Wisconsin (Ms. BALDWIN) were added as cosponsors of amendment No. 4722 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**AMENDMENT NO. 4733**

At the request of Mr. RUBIO, the name of the Senator from Colorado (Mr. HICKENLOOPER) was added as a co-sponsor of amendment No. 4733 intended to be proposed to H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes.

**STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS**

By Ms. COLLINS (for herself and Mr. DURBIN):

S. 3233. A bill to help increase the development, distribution, and use of clean cookstoves and fuels to improve health, protect the climate and environment, empower women, create jobs, and help consumers save time and money; to the Committee on Foreign Relations;

Ms. COLLINS. Mr. President, I rise today to introduce the Clean Cooking Support Act. I am pleased to be joined in this effort by my friend and colleague, Senator DURBIN. Our bill aims to address a serious global public health and environmental issue where leadership by the United States can make a real difference.

Today, close to 3 billion people, or one-third of the global population, rely on “dirty cooking,” such as open fires or inefficient, polluting, and unsafe cookstoves that use agricultural waste, coal, dung, wood, charcoal, or other solid fuels to cook their meals. The majority of people using these types of cookstoves and fuels are in developing countries in Asia, Africa, and Latin America.

Exposure to smoke from these traditional cooking methods and open fires, referred to as “household air pollution,” causes chronic and acute diseases such as lung cancer, heart disease, and stroke. Alarmingly, the household air pollution caused by traditional cookstoves and open fires causes 4 million premature deaths annually, including 400,000 children younger than 5 years of age, most of whom live in sub-Saharan Africa. Women and girls are disproportionately affected, as they spend hours cooking, inhaling toxic smoke, and collecting fuels.

These cookstoves also create serious environmental problems. Household air pollution does not remain in the home; it contributes to more than 10 percent of global ambient air pollution. According to the International Panel on Climate Change, greenhouse gas emissions from nonrenewable wood fuels for cooking amount to 2 percent of the global CO2 emissions, on par with the global CO2 emissions from the aviation or shipping industries. In 2019, more than 600,000 deaths were attributed to ambient air pollution stemming from the household combustion of solid fuels.

These cookstoves should be replaced with modern alternatives to reverse these alarming health and environmental trends. Since 2010, the Clean Cooking Alliance, an innovative public-private partnership hosted by the United Nations Foundation, has supported the adoption of clean cooking worldwide, with the goal of achieving universal access to clean cooking by 2030. Recognizing the serious health and environmental issues posed by traditional cookstoves, the Alliance aims to save lives, improve livelihoods, empower women, and combat pollution by creating a thriving global market for clean and efficient household cooking solutions. In April, President Biden announced that the U.S. is resuming and strengthening its commitment to the Clean Cooking Alliance, and during a recent presentation at the 2021 United Nations Climate Change Conference that covered clean cooking and household energy, EPA Administrator Michael Regan reaffirmed this undertaking as well.

Our legislation reinforces our country’s policy on promoting clean cookstoves and seeks to take a whole-of-government approach to address household air pollution. Specifically, the Clean Cooking Support Act would create an interagency working group, with representatives from at least six different Federal agencies, committed to increasing access to clean cooking fuels and technologies worldwide. Our legislation explicitly spells out the role of each Federal agency in the advancement of clean cooking as well. The Department of Energy, for instance, is tasked with research and development to spur the production of low-cost, low-emission, and high-efficiency cookstoves, while the Department of State is directed to engage in diplomatic activities to spread the globe to support the clean cooking and fuels sector. Finally, our bill would authorize funding for the U.S. Government to continue such activities through 2027, to ensure that these important efforts to prevent unnecessary illness and reduce pollution around the globe continue.

Our legislation would directly benefit some of the world’s poorest people, including the women and girls who are disproportionately affected, and reduce harmful pollution that affects us all. I urge my colleagues to join me, Senator DURBIN, in supporting the Clean Cooking Support Act.

By Mr. DURBIN (for himself, Mr. WHITEHOUSE, Ms. WARREN, Mr. BROWNFIELDS, Mr. BLUMENTHAL, Ms. HIRONO, Mr. MARKEY, and Mr. REED):

S. 3251. A bill to provide that chapter 1 of title 9 of the United States Code, relating to the enforcement of arbitration agreements, shall not apply to enrollment agreements made between students and certain institutions of higher education, and to prohibit limitations on the ability of students to pursue claims against certain institutions of higher education; to the Committee on Health, Education, Labor, and Pensions.

Mr. DURBIN. Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 3251

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Court Legal Access and Student Support Act of 2021” or the “CLASS Act of 2021.”

**SEC. 2. INAPPLICABILITY OF CHAPTER 1 OF TITLE 9, UNITED STATES CODE, TO ENROLLMENT AGREEMENTS MADE BETWEEN STUDENTS AND CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

(a) IN GENERAL.—Chapter 1 of title 9 of the United States Code (relating to the enforcement of arbitration agreements) shall not apply to an enrollment agreement made between a student and an institution of higher education.

(b) DEFINITION.—In this section, the term “institution of higher education” has the meaning given such term in section 102 of the Higher Education Act of 1965 (20 U.S.C. 1002).

**SEC. 3. PROHIBITION ON LIMITATIONS ON ABILITY OF STUDENTS TO PURSUE CLAIMS AGAINST CERTAIN INSTITUTIONS OF HIGHER EDUCATION.**

Section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)) is amended by adding at the end the following:

“(30) The institution will not require any student to agree to, and will not enforce, any limitation or restriction (including a limitation or restriction on any available choice of applicable law, a jury trial, or venue) on the ability of a student to pursue a claim, individually or with others, against an institution in court.”

**SEC. 4. EFFECTIVE DATE.**

This Act and the amendments made by this Act shall take effect 1 year after the date of enactment of this Act.
Whereas, in 1965, The Gambia became independent from Great Britain;
Whereas, in 1970, The Gambia became a republic following a public referendum, and Dawda Jawara was elected president and subsequently reelected an additional five times;
Whereas, from 1970 to 1994, The Gambia was one of Africa’s longest running democracies and home to the continent’s human rights body, the African Commission on Human and Peoples’ Rights;
Whereas, in 1994, President Jawara was forcibly removed from office in a coup by the Armed Revolutionary Council (ARFRC), led by Lieutenant Yahya Jammeh;
Whereas, after two years of direct ARFRC rule that was heavily criticized by the international community, a flawed constitutional reform process occurred and The Gambia scheduled a new presidential election;
Whereas, in the lead up to the September 1996 presidential election, the Jammeh military government outlawed the country’s main opposition parties, restricted media freedom, prohibited meetings between rival candidates and foreign diplomats, and used soldiers to attack opposition rallies;
Whereas Jammeh won the 1996 presidential election in a process widely regarded as flawed by international observers;
Whereas President Jammeh won reelection in 2001, 2006, and 2011 in electoral processes marred by political repression, intimidation, and tactical fraud;
Whereas Jammeh’s presidency saw targeted violence and widespread gross human rights violations, particularly against members of the opposition including the editor Deyda Hydara and the disappearance of journalist Ebrima Manneh;
Whereas President Jammeh personally ordered troops to attack opposition rallies; and
Whereas, after two years of direct ARFRC rule that was heavily criticized by the international community, a flawed constitutional reform process occurred and The Gambia scheduled a new presidential election;
Whereas, in the lead up to the September 1996 presidential election, the Jammeh military government outlawed the country’s main opposition parties, restricted media freedom, prohibited meetings between rival candidates and foreign diplomats, and used soldiers to attack opposition rallies;
Whereas Jammeh won the 1996 presidential election in a process widely regarded as flawed by international observers;
Whereas President Jammeh won reelection in 2001, 2006, and 2011 in electoral processes marred by political repression, intimidation, and tactical fraud;
Whereas Jammeh’s presidency saw targeted violence and widespread gross human rights violations, particularly against members of the opposition including the editor Deyda Hydara and the disappearance of journalist Ebrima Manneh;
Whereas President Jammeh personally ordered troops to attack opposition rallies; and
Whereas Jammeh initially agreed to limit his term to a three-year transition period that was heavily criticized by the international community, and was subsequently reelected in 2006, 2011, and 2016, respectively; but later stated his intent to serve the full five-year constitutional term;
Whereas the Gambian Truth, Reconciliation, and Reparations Commission (TRRC) was established by the Gambian Parliament to examine abuses committed during the Jammeh era and make recommendations as to whom to hold accountable;
Whereas more than 370 victims and former government officials testified at widely viewed TRRC hearings that documented widespread human rights abuses;
Whereas the TRRC’s anticipated September 2021 final report submission to President Barrow was delayed; and
Whereas The Gambia will hold the first post-Jammeh presidential election on December 4, 2021, which will include six presidential candidates; Now, therefore, be it
Resolved, That the Senate—
(1) congratulates the Gambian people on the successful 2016 presidential election;
(2) supports the courageous and necessary work of the Truth, Reconciliation, and Reparations Commission to bring accountability, healing, and reconciliation to the nation; and
(3) calls on all parties and presidential candidates to participate in a free, fair, credible, and peaceful December 4, 2021, presidential election in The Gambia; and
(4) expresses the support of the American people in The Gambia’s continued and noteworthy democratic path forward.

Whereas, on January 19, 2017, Barrow was sworn in as president at the Gambian Embassy in Senegal;
Whereas, on January 20, 2017, Jammeh and his family, including his newborn who are born with microtia or aural atresia, reportedly stole more than $1,000,000,000 from state coffers, eventually to appear in Equatorial Guinea, where he remains in political exile with impunity;
Whereas President Barrow initially agreed to limit his term to a three-year transition period that was heavily criticized by the international community, and was subsequently reelected in 2006, 2011, and 2016, respectively; but later stated his intent to serve the full five-year constitutional term;
Whereas the Gambian Truth, Reconciliation, and Reparations Commission (TRRC) was established by the Gambian Parliament to examine abuses committed during the Jammeh era and make recommendations as to whom to hold accountable;
Whereas more than 370 victims and former government officials testified at widely viewed TRRC hearings that documented widespread human rights abuses;
Whereas the TRRC’s anticipated September 2021 final report submission to President Barrow was delayed; and
Whereas The Gambia will hold the first post-Jammeh presidential election on December 4, 2021, which will include six presidential candidates; Now, therefore, be it
Resolved, That the Senate—
(1) supports efforts to remove unnecessary barriers and replace them with resources and tools that aim to eliminate bullying and clear the way for an even more successful future for those with microtia or aural atresia;
(2) encourages Federal, State, and local policymakers to work together—
(A) to raise awareness about microtia or aural atresia; and
(B) to improve proper diagnosis of microtia or aural atresia; and
(3) supports advancements in technology that improve the lives of those with microtia and aural atresia; and
(4) encourages the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate awareness and educational activities.

Whereas living with facial challenges such as craniofacial microsomia and hearing loss, as well as the longing for social acceptance, are some of the daily concerns for individuals who are born with microtia or aural atresia: Now, therefore, be it
Resolved, That the Senate—
(1) supports efforts to remove unnecessary barriers and replace them with resources and tools that aim to eliminate bullying and clear the way for an even more successful future for those with microtia or aural atresia;
(2) encourages Federal, State, and local policymakers to work together—
(A) to raise awareness about microtia or aural atresia; and
(B) to improve proper diagnosis of microtia or aural atresia; and
(3) supports advancements in technology that improve the lives of those with microtia and aural atresia; and
(4) encourages the President to issue a proclamation calling upon the people of the United States to observe the day with appropriate awareness and educational activities.

Whereas, in 1970, The Gambia became a republic following a public referendum, and Dawda Jawara was elected president and subsequently reelected an additional five times;
rights of children with disabilities, and many other organizations; Whereas, since 1990, continuing efforts by UNICEF in partnership with the United States and other countries that reach children in war or other emergencies and by the United States have helped slash child mortality rates by more than half; Whereas UNICEF provides critical water, sanitation, and hygiene services and supplies for millions of people; Whereas UNICEF trains social service workers to deliver essential services and to provide community-based mental health and psychosocial support, and to ensure that every child has access to education and the opportunity to develop the skills needed for life and work; Whereas UNICEF plays a key role in the global response by the United Nations to the COVID-19 pandemic and in the global vaccine distribution plan; Whereas, beyond the COVID–19 pandemic, UNICEF responds to new and ongoing humanitarian situations in 152 countries; Whereas UNICEF remains a trusted and reliable source for the secure delivery of vaccines and medicines around the world, particularly for vulnerable populations; Whereas UNICEF provides personal protective equipment and facilitates training on infection prevention and control for millions of health workers; and Whereas UNICEF, through its work on the front lines of the COVID–19 pandemic, seeks not only to facilitate recovery from the COVID–19 crisis, but also to reimagine the future for every child by implementing solutions safely and effectively in the face of the COVID–19 pandemic and strengthening systems to better respond to future crises: Now, therefore, be it

Resolved, That the Senate—

(1) recognizes the 75th anniversary of the establishment of the United Nations Children’s Fund (commonly known as “UNICEF”);

(2) applauds UNICEF for the critical role it plays in protecting the rights and lives of vulnerable children around the world, including the global fight against COVID–19;

(3) recommits to the United States partnership with and support for UNICEF; and

(4) with UNICEF, to reimagine the future for every child as the world recovers and rebuilds from the COVID–19 pandemic.

AMENDMENTS SUBMITTED AND PROPOSED

SA 4783. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.

SA 4786. Mr. MENENDEZ (for himself, Mr. SCHUMER, Mr. BOOKER, Mrs. GILLIBRAND, Mr. BLUMENTHAL, and Ms. CORNBYN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.

SA 4787. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4788. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.

SA 4789. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4790. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.

SA 4791. Mr. LEE (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4792. Mrs. MURRAY (for herself and Mr. MARKEY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4793. Mr. LEE (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4794. Mr. RISCH (for himself, Mr. PORTMAN, Mr. CLEVER, Mr. BARRASSO, Mr. JOHNSON, Mr. COTTON, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4795. Mr. SHERBY (for himself, Mr. INHOFE, Mr. ROSS, Mr. BLUMENTHAL, Mrs. CARPER, Mrs. HYDE-SMITH, Mr. COTTON, Mr. BOOZMAN, Mr. COLLINS, Mr. KENNEDY, Ms. MURKOWSKI, Mr. CRAMER, Mr. TILLIS, and Mr. ROSENSMITH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4796. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4797. Mr. BENNET (for himself, Mr. PORTMAN, Mr. WARNER, Mr. COLLINS, Mr. KING, Mr. RUBIO, Mr. RISCH, Ms. ROSEN, Mr. CORNBYN, and Mr. BURR) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4800. Ms. KLOBUCAR (for herself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4801. Mr. KENNEDY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4802. Mr. OSSOFF (for himself, Mr. TILLIS, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. SCOTT of South Carolina, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4803. Ms. DUCKWORTH (for herself, Mr. KELLY, Ms. HIRONO, Ms. ROSEN, Mr. BENNETT, Mr. HEINRICHS, Mr. MORAN, Mr. YOUNG, Mrs. HAUSER, Mr. ROSENFELD, Mr. SHAHEEN, Ms. KLOBUCAR, Mr. DURBIN, Mr. PETERS, and Mr. BLUMENTHAL) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4804. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4805. Ms. CORTEZ MASTO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4806. Ms. SMITH (for herself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4807. Ms. SMITH (for herself, Mr. CASIDY, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4808. Mrs. PEYTON submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4809. Mr. ROSS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4810. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICHS, Mr. BLUMENTHAL, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4811. Mr. TUBERVILLE (for himself and Mr. BRAUN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4812. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.  

SA 4813. Mr. BURBANK submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. Reed and intended to be proposed to the bill H.R. 4350, supra, which was ordered to lie on the table.
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and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4613. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4814. Ms. MURKOWSKI submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4815. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4816. Mr. COONS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4817. Ms. SINEMA submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4820. Mr. COTTON (for himself, Mr. MANCHIN, Mr. TUBERVILLE, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4821. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4822. Mrs. BLACKBURN submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4823. Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4824. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4825. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4826. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4827. Mr. ROUNDs (for himself and Mr. VAN HOLLEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4829. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4830. Mr. MANCHIN (for himself, Mrs. CAPITO, Mr. HAYES, Mr. ROMNEY, Mr. COTTON, Mrs. BLACKHUN, and Mr. TERRY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4831. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4832. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4833. Mr. BARRASSO (for himself, Mr. CRUZ, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4834. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

TEXT OF AMENDMENTS
SA 4783. Mr. HAGERTY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.
SA 4828. Mr. WHITEHOUSE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, supra; which was ordered to lie on the table.

SEC. 1285. RULE OF CONSTRUCTION REGARDING THE CONSTITUTIONAL POWERS OF THE PRESIDENT AS COMMANDER-IN-CHIEF.
Nothing in this Act shall be construed to infringe upon the constitutional powers of the President as Commander-in-Chief under Article II of the Constitution of the United States.
SA 4784. Mr. KING (for himself, Mr. ROUNDs, Mr. Sasse, Ms. ROSEN, Ms. HARRSAN, and Mr. OSsOFF) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

DIVISION E—DEFENSE OF UNITED STATES INFRASTRUCTURE
SEC. 5001. SHORT TITLE.
This division may be cited as the “Defense of United States Infrastructure Act of 2021”.
SEC. 5002. DEFINITIONS.
In this division:
(1) CRITICAL INFRASTRUCTURE.—The term “critical infrastructure” has the meaning given such term in section 104(e) of the Critical Infrastructure Protection Act of 2001 (42 U.S.C. 5195c(e)).
(2) CYBERSECURITY RISK.—The term “cybersecurity risk” has the meaning given such term in section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659).
(3) DEPARTMENT.—The term “Department” means the Department of Homeland Security.
(4) SECRETARY.—The term “Secretary” means the Secretary of Homeland Security.

TITLE I—INVESTING IN CYBER RESILIENCE AND CRITICAL INFRASTRUCTURE
SEC. 5101. NATIONAL RISK MANAGEMENT CYCLE.
(a) AMENDMENTS.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—
(1) in section 2216 (6 U.S.C. 665f) as section 2216; and
(2) by redesigning section 2216 (6 U.S.C. 665f) as section 2220;
(3) by redesigning section 2216 (6 U.S.C. 665f) as section 2216;
(4) by redesigning the fourth section 2215 (relating to Sector Risk Management Agencies) (6 U.S.C. 665d) as section 2215;
(5) by redesigning the third section 2215 (relating to the Cybersecurity State Coordinator) (6 U.S.C. 665c) as section 2215;
(6) by redesigning the second section 2215 (relating to the Joint Cyber Planning Office) (6 U.S.C. 665b) as section 2215; and
(7) by adding at the end the following:

“SEC. 2220A. NATIONAL RISK MANAGEMENT CYCLE.
“(a) NATIONAL CRITICAL FUNCTIONS DEFINED.—In this section, the term ‘national critical functions’ means the functions of

government and the private sector so vital to the United States that their disruption, corruption, or dysfunction would have a debilitating effect on security, national economic security, national public health or safety, or any combination thereof.

"(b) NATIONAL RISK MANAGEMENT CYCLE.—

"(1) RISK IDENTIFICATION AND ASSESSMENT.—

"(A) IN GENERAL.—The Secretary, acting through the Director, shall establish a recurring process by which to identify, assess, and prioritize risks to critical infrastructure, including cyber threat capabilities, needs, and gaps; the associated likelihoods, vulnerabilities, and consequences; and the resources necessary to address them.

"(B) CONSULTATION.—In establishing the process required under subparagraph (A), the Secretary shall consult with, and request and collect information to support analysis from, Sector Risk Management Agencies, critical infrastructure owners and operators, the Assistant to the President for National Security Affairs, the Assistant to the President for Homeland Security, and the National Cyber Director.

"(C) PUBLICATION.—Not later than 180 days after the date of enactment of this section, the Secretary shall publish in the Federal Register procedures for the process established under subparagraph (A), subject to any redactions the Secretary determines are necessary to protect classified or other sensitive information.

"(D) REPORT.—The Secretary shall submit to the President, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives a report on the risks identified by the process established under subparagraph (A) with respect to:

1. Not later than 1 year after the date of enactment of this section; and
2. Not later than 1 year after the date on which the Secretary submits a periodic evaluation described in section 9002(b)(2) of title XC of division H of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283).

"(2) NATIONAL CRITICAL INFRASTRUCTURE RESILIENCE STRATEGY.—

"(A) IN GENERAL.—Not later than 1 year after the date on which the Secretary delivers each report required under paragraph (1), the President shall deliver to majority and minority leaders of the Senate, the Speaker of the House, the majority and minority leader of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Homeland Security of the House of Representatives a national critical infrastructure resilience strategy designed to address the risks identified by the Secretary.

"(B) ELEMENTS.—Each strategy delivered under paragraph (A) shall—

1. Identify, assess, and prioritize areas of risk to critical infrastructure that may compromise or disrupt national critical functions impacting national security, economic security, or public health and safety;
2. Implementation of the previous national critical infrastructure resilience strategy, as applicable;
3. Identify and outline current and proposed activities, programs, and efforts to be taken to address the risks identified;
4. Identify the federal departments or agencies leading each national-level action, program, or effort and the relevant critical infrastructure sectors for each; and
5. Identify any additional authorities necessary to successfully execute the strategy.

"(C) FORM.—Each strategy delivered under subparagraph (A) shall be unclassified, but may contain a classified annex.

"(3) CONGRESSIONAL BRIEFING.—Not later than 1 year after the date on which the President delivers a strategy under this section, and every year thereafter, the Secretary, in coordination with Sector Risk Management Agencies, shall provide a briefing to the appropriate committees of Congress on—

1. The national risk management cycle activities undertaken pursuant to the strategy; and
2. The amounts and timeline for funding that the Secretary has determined would be necessary to address risks and successfully execute the strategy.

"(D) REPORT.—The Secretary shall submit such a report to the Senate and the House of Representatives not later than 1 year after the date on which the Secretary delivers each report required under paragraph (A).

"(E) PUBLICATION.—The Secretary shall publish each report submitted under paragraph (D) in the Federal Register.

"(F) CONFIRMATION.—Before delivering each report described in paragraph (A), the Secretary shall consult with the Chairman and minority leader of the House of Representatives, the Speaker of the House, the majority and minority leader of the Senate, the majority leader and minority leader of the Senate, and the minority leaders of the Senate, the Speaker of the House, and the majority and minority leaders of the House of Representatives.

"(G) PROGRAM.—The Secretary, in consultation with the Chairman and minority leader of the Senate, the Speaker of the House, and the majority and minority leaders of the Senate, the Speaker of the House, shall submit to the appropriate committees of Congress a strategy designed to address the risks identified by the Secretary.

"(H) TRANSITION RULES.—The amendment made by subsection (a) shall apply to the fiscal year beginning on October 1, 2023, and each fiscal year thereafter.

"(I) AMENDMENT.—Section 1433 of the National Defense Authorization Act for Fiscal Year 2021 (Public Law 116-283) is amended by striking the item relating to section 1221 and inserting the following:

"Sec. 1221A. Annual critical infrastructure risk assessment cycle.

"(1) TABLE OF CONTENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107-296; 116 Stat. 2135) is amended by inserting the following after the item relating to section 2127 and inserting the following:


"Sec. 2125. Duties relating to .gov internet domain.

"Sec. 2126. Joint Cyber Planning Office.

"Sec. 2127. Cybersecurity State Coordinator.

"Sec. 2128. Sector Risk Management Agencies.

"Sec. 2129. Cybersecurity Advisory Committee.

"Sec. 2209. Cybersecurity education and training programs.

"Sec. 220A. National risk management cycle.

"(2) ADDITIONAL TECHNICAL AMENDMENT.—

"(A) AMENDMENT.—Section 904(b)(1) of the DOTG Act of 2020 (title IX of division U of Public Law 116-260) is amended, in the matter preceding subparagraph (A), by striking "Homeland Security Act" and inserting "Homeland Security Act of 2002".

"(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall take effect as if enacted as part of the DOTG Act of 2020 (title IX of division U of Public Law 116-260).

"(3) INCREASING THE ABILITY OF THE FEDERAL GOVERNMENT TO ASSIST IN ENHANCING CRITICAL INFRASTRUCTURE CYBER RESILIENCE.

"(a) IN GENERAL.—Subsection (b)(1) of section 2202 of the Homeland Security Act of 2002 (6 U.S.C. 652), is amended by inserting "The term of office of an individual serving as Director shall be 5 years, after who shall report to the Secretary."

"(b) TRANSITION RULES.—The amendment made by subsection (a) shall take effect on the first day of the term of an individual to the position of Director of the Cybersecurity and Infrastructure Security Agency, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall—

1. Identify, inventory, and evaluate existing Federal sources of classified and unclassified information on cybersecurity threats; and
2. Develop a comprehensive understanding of cybersecurity risks and cybersecurity threats; and
3. Facilitate collaborative analysis between the Federal Government and public and private sector critical infrastructure entities and information and analysis organizations.

"(4) INVESTIGATIONS.—The term "cyber threat capabilities, needs, and gaps; and" shall be reenacted.

"(5) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term "information sharing and analysis organization" has the meaning given such term in section 2222 of the Homeland Security Act of 2020 (6 U.S.C. 280).

"(6) NON-FEDERAL ENTITY.—The term "non-Federal entity" has the meaning given such term in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

"(7) PROGRAM.—The Secretary, in consultation with the Secretary of Homeland Security, the Attorney General, shall carry out a program under which the Secretary shall—

1. Provide limited access to appropriate and operationally relevant data from unclassified and classified intelligence about cybersecurity risks and cybersecurity threats, as well as malware forensics and data from network sensor programs, on a platform that enables query and analysis.
2. Enable cross-correlation of data on cybersecurity risks and cybersecurity threats at the speed and scale necessary for rapid detection and identification.
3. Facilitate a comprehensive understanding of cybersecurity risks and cybersecurity threats; and
4. Facilitate collaborative analysis between the Federal Government and public and private sector critical infrastructure entities and information and analysis organizations.

"(c) IMPLEMENTATION OF INFORMATION COLLABORATION ENVIRONMENT.—

"(1) EVALUATION.—Not later than 180 days after the date of enactment of this Act, the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall—

1. Identify, inventory, and evaluate existing Federal sources of classified and unclassified information on cybersecurity threats;
2. Evaluate current programs, applications, or platforms intended to detect, identify, and analyze monitor cyber threats, cybersecurity risks, and cybersecurity threats;
3. Consult with public and private sector critical infrastructure entities to identify public and private critical infrastructure cyber threat capabilities, needs, and gaps; and
4. Identify existing tools, capabilities, and systems that may be adapted to achieve the purposes of the environment and, in order to maximize return on investment and minimize cost.

"(2) IMPLEMENTATION.—Not later than 1 year after completing the evaluation required under paragraph (1), the Secretary, acting through the Director of the Cybersecurity and Infrastructure Security Agency, and in consultation with the Secretary of Defense, the Director of National Intelligence, and...
the Attorney General, shall begin implementation of the environment to develop and run analytic tools referred to in subsection (b) on specified topics to explore the purpose of filtering, mitigating, and preventing malicious cyber activity that is a threat to public and private critical infrastructure.

(3) The environment and the use of analytic tools referred to in subsection (b) shall—

(i) operate in a manner consistent with relevant civil liberties, civil rights, and civil liberties policies and protections, including such policies and protections established pursuant to section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004 (6 U.S.C. 485);

(ii) account for appropriate data interoperability requirements;

(iii) enable integration of current applications, platforms, data, and information, including classified information, in a manner that supports the voluntary integration of unclassified and classified information on cybersecurity risks and cybersecurity threats;

(iv) incorporate tools to manage access to classified and unclassified data, as appropriate;

(v) ensure accessibility by entities the Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, determines appropriate;

(vi) allow for access by critical infrastructure stakeholders and other private sector partners, at the discretion of the Secretary, in consultation with the Secretary of Defense, the Director of National Intelligence, and the Attorney General;

(vii) deploy analytic tools across classification levels to leverage all relevant data sets, as appropriate;

(viii) identify tools and analytical software that can be applied and shared to manipulate, transform, and display data and other identified needs; and

(ix) anticipate the integration of new technologies and data streams, including data from government-sponsored network sensors or network-monitoring programs deployed in support of non-Federal entities.

(b) ANNUAL REPORT REQUIREMENT ON THE IMPLEMENTATION, EXECUTION, AND EFFECTIVENESS OF THE PROGRAM.—Not later than 1 year after the date of enactment of this Act, and every year thereafter until the date that is 5 years after the date on which the Director submits the report described in this subsection, the Director shall submit to the Committee on the Judiciary, the Committee on the Budget, and the Permanent Select Committee on Intelligence of the Senate or the House of Representatives a report that details—

(1) Federal Government participation in the environment, including the non-Federal entities participating in the environment and the volume of information shared by Federal entities into the environment;

(2) Non-Federal entities’ participation in the environment, including the non-Federal entities participating in the environment and the volume of information shared by non-Federal entities into the environment;

(3) The impact of the environment on positive security outcomes for the Federal Government and non-Federal entities;

(4) Actions by the Federal Government for the purpose of fully realizing the benefit of the environment both for the Federal Government and non-Federal entities;

(E) additional authorities or resources necessary to successfully execute the environment; and

(F) identified shortcomings or risks to data security and privacy actions or steps necessary to improve the mitigation of the shortcomings or risks.

(2) CYBER THREAT DATA INTEROPERABILITY REQUIREMENTS.

(a) ESTABLISHMENT.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall establish data interoperability requirements for non-Federal entities to participate in the environment.

(b) DATA STREAMS.—The Secretary, in coordination with the heads of appropriate departments and agencies, shall identify, designate, and periodically update programs that shall participate in or be interoperable with the environment, in a manner consistent with data security standards under Federal law, which may include—

(A) network-monitoring and intrusion detection programs;

(B) cyber threat indicator sharing programs;

(C) certain government-sponsored network sensors or network-monitoring programs;

(D) incident response and cybersecurity technical assistance programs; or

(E) malware analytics and reverse-engineering programs.

(c) DATA GOVERNANCE.—The Secretary, in coordination with the Secretary of Defense, the Director of National Intelligence, and the Attorney General, shall establish procedures and data governance structures, as necessary, to protect data shared in the environment with Federal regulations and statutes, and respect existing consent agreements with private sector critical infrastructure entities that apply to critical infrastructure information.

(d) RULE OF CONSTRUCTION.—Nothing in this subsection shall change existing ownership or protection of, or policies and processes for access to, agency data.

(3) NATIONAL SECURITY SYSTEMS.—Nothing in this section shall apply to national security systems, as defined in section 3522 of title 44, United States Code, or to cybersecurity threat intelligence related to such systems, without the consent of the relevant element of the national community, as defined in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(4) PROTECTION OF INTELLIGENCE SOURCES AND METHODS.—Nothing of National Intelligence shall ensure that any information sharing conducted under this section shall protect intelligence sources and methods from unauthorized disclosure in accordance with section 102A(i) of the National Security Act (50 U.S.C. 3022(1)).

(5) DURATION.—The program under this section shall terminate on the date that is 5 years after the date of enactment of this Act.

TITLe LIII—Enabling the National Cyber Director

SEC. 5401. ESTABLISHMENT OF HIRING AUTHORITY FOR THE OFFICE OF THE NATIONAL CYBER DIRECTOR.

(a) DIRECTOR.—The term "Director" means the National Cyber Director.

(b) EXCEPTED SERVICE.—The term "excepted service" has the meaning given such term in section 2105 of title 5, United States Code.

(c) OFFICE.—The term "Office" means the Office of the National Cyber Director.

(d) QUALIFIED POSITION.—The term "qualifying position" means a position identified by the Director under subsection (b)(1)(A), in which the individual occupying such position performs, manages, or supervises functions that execute the responsibilities of the Office.

(e) ADDITIONAL AUTHORITY.—The Director shall, for purposes of carrying out the functions of the Office—

(1) craft an implementation plan for positions in the excepted service in the Office, which shall propose—

(A) qualified positions in the Office, as the Director determines necessary to carry out the responsibilities of the Office; and

(B) subject to the requirements of paragraph (2), rates of compensation for an individual serving in a qualifying position, to the same extent as if such individual were employed by the Office;

(2) propose rates of basic pay for qualified positions, which shall—

(A) be determined in relation to the rates of pay provided for employees in comparable positions in the Office, in which the employee occupying the comparable position performs, manages, or supervises functions that execute the mission of the Office; and

(B) subject to the same limitations on maximum rates of pay and consistent with section 5341 of title 5, United States Code, and such provisions as provide for prevailing rate systems of basic pay and apply those provisions to qualified positions for employees in the Office, in which the Office may employ individuals described by section 5342(a)(2)(A) of such title; and

(3) craft proposals to provide—

(A) employees in qualified positions compensation (in addition to basic pay), including benefits, incentives, and allowances, consistent with, and not in excess of the level authorized for, comparable positions authorized by title 5, United States Code; and

(B) employees in a qualified position for which the Director proposes a rate of basic pay under paragraph (2) an allowance under section 5941 of title 5, United States Code, on the same basis and to the same extent as if the employee was an employee covered by such section, including eligibility conditions, allowances, rates, and all other terms and conditions in law or regulation.

SA 4785. Mr. OSSOFF (for himself, Mr. KING, Ms. CORTEZ MASTO, Mr. ROUNDS, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 4830, as ordered to the Senate, by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 1. DR. DAVID SATCHELL CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the "Cybersecurity Opportunity Education Grant Program."

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term "Director" means the Director of the National Institute of Standards and Technology.

(2) ELIGIBILITY OF STUDENTS.—The term "enrollment of needy students" has the meaning given such term in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1089).
(4) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)).

(5) MINORITY-SERVING INSTITUTION.—The term "minority-serving institution" means an institution listed in section 371(a) of the Higher Education Act of 1965 (20 U.S.C. 1067q(a)).

(c) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Secretary shall carry out the Dr. David Satcher Cybersecurity Education Grant Program by—

(A) awarding grants to institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity programs, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) awarding grants to build capacity at institutions of higher education that have an enrollment of needed students, historically Black colleges and universities, and minority-serving institutions, to expand cybersecurity education opportunities, cybersecurity program and curriculum development, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Secretary shall reserve 5 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) FUNDING TO CARRY OUT PROGRAM.—The Secretary shall carry out this section in consultation with appropriate Federal agencies.

(4) SUNSET.—The Director’s authority to award grants under paragraph (1) shall terminate on the date that is 5 years after the date the Director first awards a grant under paragraph (1).

(d) APPLICATIONS.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the institution will use the funds awarded through such grant to expand cybersecurity education opportunities at the eligible institution.

(e) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities; and

(2) building and upgrading institutional capacity to include hands-on research and training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities.

(f) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (b), and annually thereafter until the Director submits the report under paragraph (2), the Director shall prepare and submit to Congress a report on the status and progress of implementation of the grant program under this section, including on the number and nature of institutions participating, the number and nature of institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (b), the Director shall prepare and submit to Congress a report on the status of cybersecurity education programming and capacity-building at institutions receiving grants under this section, including the scope and scale of these programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of cybersecurity programs that have received support under this section.

(g) PERFORMANCE METRICS.—The Director shall establish performance metrics for grants awarded under this section.

(h) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SEC. 4786. Mr. MENEDEZ (for himself, Mr. SCHATZ, Mr. BOWDOIN, Ms. GILLIBRAND, Mr. BLUMENTHAL, and Mr. MURPHY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. APPROPRIATIONS FOR CATCH-UP PAYMENTS.

Section 404(d)(4)(C) of the Justice for United States Victims of State Sponsored Terrorism Act (31 U.S.C. 2014A(d)(4)(C)) is amended by adding at the end the following:—

"(iv) FUNDING.—

(1) IN GENERAL.—There are authorized to be appropriated to the Fund such sums as may be necessary to carry out this subparagraph, to remain available until expended.

SEC. APPROPRIATIONS. The amounts provided under this subclause are designated as an emergency requirement pursuant to section 6(a)(3)(E) of the Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN THE HOUSE AND SENATE.—This subclause is designated by Congress as being for an emergency requirement pursuant to section 6(a)(3)(E) of the Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)) and section 400(b) of S. Con. Res. 14 (117th Congress), the concurrent resolution on the budget for fiscal year 2022.

(3) LIMITATION.—Amounts appropriated pursuant to clause (1) may not be used for a purpose other than to make lump sum catch-up payments under this subparagraph.

SEC. 4787. Mrs. SHAHEEN (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appro- priations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title VII, add the following:

Subtitle D—Access to Contraception

SEC. 761. SHORT TITLE.

This subtitle may be cited as the ‘Access to Contraception for Servicemembers and Dependents Act of 2021’.

SEC. 762. FINDINGS.

Congress finds the following:

(1) Women are serving in the Armed Forces at increasing rates, playing a critical role in the national security of the United States. Women comprise more than 18 percent of members of the Armed Forces, and as of fiscal year 2019, more than 390,000 women serve on active duty in the Armed Forces or in the reserve components. An estimated several thousand transgender men also serve on active duty in the Armed Forces and in the reserve components, in addition to non-binary members and those who identify with a different gender.

(2) Ninety-five percent of women serving in the Armed Forces are of reproductive age; in 2019, more than 900,000 female spouses and dependents of members of the Armed Forces on active duty are of reproductive age.

(3) The TRICARE program covered more than 1,570,000 women of reproductive age in 2019, including spouses and dependents of members of the Armed Forces on active duty. Additionally, thousands of transgender dependents of members of the Armed Forces are covered by the TRICARE program.

(4) The right to access contraception is grounded in the principle that contraception and the ability to determine if and when to have children are inextricably tied to one’s wellbeing, equality, and ability to determine the course of one’s life. These protections have helped access to contraception become a driving force in improving the health and financial security of individuals and their families.

(5) Access to contraception is critical to the health of every individual capable of becoming pregnant. This subtitle is intended to apply to all individuals, including military personnel, to protect them for pregnancy, including cisgender women, transgender men, non-binary individuals, those who identify with a different gender, and others.

(6) Studies have shown that when cost barriers to the full range of methods of contraception are eliminated, patients are more likely to use the contraceptive method that meets their needs, and therefore use contraception correctly and more consistently, reducing the risk of unintended pregnancy.

(7) Congress finds that members of the Armed Forces on active duty have full coverage of all prescription drugs, including contraception, without cost-sharing requirements under the Title X Prevention and Affordable Care Act (Public Law 111-148), which requires coverage of all contraceptive methods approved by the Food and Drug Administration for women services and education and counseling. However, members not on active duty and dependents of members do not have similar coverage of all contraceptive methods approved by the Food and Drug Administration without cost-sharing when they obtain the contraceptive outside of a military medical treatment facility.

(8) In order to fill gaps in coverage and access to preventive care critical for women’s
health, the Patient Protection and Affordable Care Act (Public Law 111–148) requires all non-grandfathered individual and group health plans to cover without cost-sharing preventive and evidence-based preventive services for women supported by the Health Resources and Services Administration of the Department of Health and Human Services. These preventive services include the full range of female-controlled contraceptive methods, effective family planning practices, and sterilization procedures approved by the Food and Drug Administration. The Health Resources and Services Administration has affirmed that contraceptive care includes contraception, continuation of contraceptive use, and follow-up care (such as management, evaluation, and changes to and removal or discontinuation of the contraceptive method).

(9) The Defense Advisory Committee on Women in the Services has recommended that all the Armed Forces, to the extent that they have not already, implement initiatives that inform members of the Armed Forces of the importance of family planning, educate them on methods of contraception, and make various forms of contraception available based on the finding that family planning can increase the overall readiness and quality of life of all members of the Armed Forces.

(10) The military departments received more than 7,800 reports of sexual assaults involving members of the Armed Forces as victims during fiscal year 2019. Through regulations, the Department of Defense already supports a policy of ensuring that members of the Armed Forces who are sexual assault survivors have access to emergency contraception, and the initiation of contraception if desired and medically appropriate.

SEC. 763. COMBINED MEDICAL TREATMENT FACILITIES—COVERAGE UNDER THE TRICARE PROGRAM.

(a) PHARMACY BENEFITS PROGRAM.—Section 1074a(a)(6) of title 10, United States Code, is amended by adding at the end the following new subparagraph:

``(d) Notwithstanding subparagraphs (A), (B), and (C), cost-sharing requirements may not be imposed and cost-sharing amounts may not be collected with respect to any beneficiaries enrolled in TRICARE Prime for a service described in paragraph (2) that is provided under TRICARE Prime.''

(b) PHARMACY BENEFITS PROGRAM.—Section 1074p of title 10, United States Code, is amended by adding after section 1074p the following new section:

``1074p. Provision of pregnancy prevention assistance at military medical treatment facilities

(a) INFORMATION AND ASSISTANCE.—The Secretary of Defense shall promptly furnish to sexual assault survivors at each military medical treatment facility the following:

(1) Comprehensive, medically and factually accurate, and unbiased written and oral information about all methods of emergency contraception approved by the Food and Drug Administration.

(2) Upon request by the sexual assault survivor, emergency contraception or, if applicable, a prescription for emergency contraception.

(3) Notification of the right of the sexual assault survivor to confidentiality with respect to the information and care and services furnished under this section.

(b) INFORMATION.—The Secretary shall ensure that information provided pursuant to subsection (a) is provided in a language that—

(1) is clear and concise;

(2) is readily understandable; and

(3) meets such conditions (including conditions regarding the provision of information in languages other than English) as the Secretary may prescribe in regulations to carry out this section.

(c) DEFINITIONS.—In this section:

(1) The term ‘sexual assault survivor’ means any individual who presents at a military medical treatment facility the following:

(A) the importance of providing comprehensive family planning for members of the Armed Forces, including commanding officers; and

(B) the positive impact family planning can have on the health and readiness of the Armed Forces.

(2) The term ‘sexual assault’ means the circumstances encountered by members of the Armed Forces.

(3) SENSE OF CONGRESS.—It is the sense of Congress that all members of the Armed Forces and the effectiveness of the Armed Forces on active duty to make informed decisions regarding family planning.

(4) Current, medically accurate information.

(5) Clear, user-friendly information on—

(A) the full range of methods of contraception approved by the Food and Drug Administration;

(B) where members of the Armed Forces can access their chosen method of contraception;

(6) Information on all applicable laws and policies so that members of the Armed Forces are informed of their rights and obligations.

(7) Information on the rights of patients to confidentiality.

(8) Information on the unique circumstances encountered by members of the Armed Forces and the effects of such circumstances on the use of contraception.

SA 4788. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities including the use of the Foreign Military Financing Fund.

Mr. LEE submitted an amendment intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 621, strike lines 14 through 24 and insert the following:

``(e) cross-border relations;

(7) reinforcing the status of the Republic of Singapore as a Major Security Cooperation Partner of the United States and continuing to strengthen defense and security cooperation between the military forces of the Republic of Singapore and the armed forces of the United States, including through participation in combined exercises and training, including the use of the Foreign Military Sales Training Center at Ebbing Air National Guard Base in Fort Smith, Arkansas; and

(8) ensuring that the allies and partners referred to in paragraphs (1) through (7) contribute more than 50 percent of the total cost of mutual defense efforts in the Indo-Pacific region.

SA 4789. Mr. LEE submitted an amendment intended to be proposed to
amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

On page 578, strike lines 14 through 19 and insert the following:

(1) by striking “fiscal year 2021” and inserting “fiscal year 2022”; and
(2) by striking “section” and inserting “the funding table division D of this Act.”

SA 4790. Mr. LEE submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 1061.

SA 4791. Mr. MÖRAN (for himself and Ms. ROSEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle C of title VII, add the following:

SEC. 744. GRANT PROGRAM FOR INCREASED CO-OPERATION ON POST-TRAUMATIC STRESS DISORDER RESEARCH BETWEEN UNITED STATES AND ISRAEL.

(a) FINDINGS AND SENSE OF CONGRESS.—

(1) FINDINGS.—Congress makes the following findings:

(A) The Department of Veterans Affairs reports that between 11 and 20 percent of veterans who served in Operation Iraqi Freedom and Operation Enduring Freedom have post-traumatic stress disorder (in this paragraph referred to as ‘‘PTSD’’) in a given year. In addition, that figure amounts to about 12 percent of Gulf War veterans and up to 30 percent of Vietnam veterans.

(B) The Department of Veterans Affairs reports that among women veterans of the conflicts in Iraq and Afghanistan, almost 20 percent have been diagnosed with PTSD.

(C) It is thought that 70 percent of individuals in the United States have experienced at least one traumatic event in their lifetime, and approximately 20 percent of those individuals have struggled or continue to struggle with symptoms of PTSD.

(D) Studies show that PTSD has links to homelessness and substance abuse in the United States. The Department of Veterans Affairs estimates that approximately 11 percent of the homeless population are veterans and the Substance Abuse and Mental Health Services Administration estimates that about seven percent of veterans have a substance abuse disorder.

(E) Our ally Israel, under constant attack from terrorist groups, experiences similar issues with Israeli veterans facing symptoms of PTSD. The National Center for Traumatic Stress and Research at Tel Aviv University found that five to eight percent of combat soldiers experience some form of PTSD, and during wartime, that figure rises to 15 to 20 percent.

(F) Current treatment options in the United States focus on cognitive therapy, exposure therapy, or eye movement desensitization and reprocessing, but the United States must continue to look for more effective treatments. Several leading hospitals, academic institutions, and nonprofit organizations in the United States are engaged in research and services to treating PTSD.

(2) SENSE OF CONGRESS.—It is the sense of Congress that the Secretary of Defense, acting through the Psychological Health and Traumatic Brain Injury Research Program, should seek to explore scientific collaboration between academic institutions and nonprofit research entities in the United States and institutions in Israel with expertise in researching, diagnosing, and treating post-traumatic stress disorder.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Veterans Affairs and the Secretary of State, shall award grants to eligible entities to carry out collaborative research between the United States and Israel with respect to post-traumatic stress disorders.

(2) AGREEMENT.—The Secretary of Defense shall carry out the grant program under this section in accordance with the Agreement on the United States-Israel binational science foundation with exchange of letters, signed at New York September 27, 1972, and entered into force on September 27, 1972.

(c) ELIGIBILITY.—Eligible entities shall be eligible to receive a grant under this section, an entity shall be an academic institution or a nonprofit entity located in the United States.

(d) AWARD.—The Secretary shall award grants under this section to eligible entities that—

(1) carry out a research project that—

(A) addresses a requirement in the area of post-traumatic stress disorders that the Secretary determines appropriate to research using such grant; and

(B) is conducted by the eligible entity and an entity in Israel under a joint research agreement; and

(2) meet such other criteria that the Secretary may establish.

(e) APPLICATION.—To be eligible to receive a grant under this section, an eligible entity shall submit an application to the Secretary at such time, in such manner, and containing such commitments and information as the Secretary may require.

(f) RECIPIENTS.—Not later than 180 days after the date on which an eligible entity completes a research project using a grant under this section, the Secretary shall submit to Congress a report that contains—

(1) a description of how the eligible entity used the grant; and

(2) an evaluation of the level of success of the research project.

(g) TERMINATION.—The authority to award grants under this section shall terminate on the date that is seven years after the date on which the first such grant is awarded.

SA 4792. Mrs. MURRAY (for herself and Mr. MANCHIN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XXXI, add the following:

Subtitle F—Toxic Exposure Safety

SEC. 3161. SHORT TITLE.

This subtitle may be cited as the ‘‘Toxic Exposure Safety Act of 2021.’’

SEC. 3162. PROVIDING INFORMATION REGARDING DEPARTMENT OF ENERGY FACILITIES.

Subtitle E of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s et seq.) is amended by inserting after section 3861 the following:

‘‘SEC. 3861A. COLLECTION AND UPDATES OF SITE EXPOSURE MATRICES.’’

‘‘(a) DEFINITION.—In this section, the term ‘site exposure matrices’ means an exposure assessment of a Department of Energy facility that identifies the toxic substances or processes that were used in each building or process of the facility, including the trade name (if any) of the substance.

‘‘(b) IN GENERAL.—Not later than 180 days after the date of enactment of the Toxic Exposure Safety Act of 2021, the Secretary of Labor shall, in coordination with the Secretary of Energy, create or update site exposure matrices for each Department of Energy facility based on the records, files, and other data provided by the Secretary of Energy and such other information as is available, including information available from the former worker medical screening programs of the Department of Energy, other research data, and information available from the United States-Israel binational science foundation.

‘‘(c) PERIODIC UPDATE.—Beginning 90 days after the initial creation or update described in subsection (b), and each 90 days thereafter, the Secretary shall update the site exposure matrices with all information available as of such time from the Secretary of Energy.

‘‘(d) INFORMATION.—The Secretary of Energy shall furnish to the Secretary of Labor any information that the Secretary of Labor finds necessary or useful for the production of the site exposure matrices. This section, including records from the Department of Energy former worker medical screening programs, is not subject to title 5 United States Code, subtitle II, chapter 51, subchapter III, subchapter IV, chapter 73, or chapter 81 (5 U.S.C. 552a, 552b, 552c, 552d, 552f, 552g, 552h, 552j, 552k, 552l, 552m, 552n, 552o, 552p, 552q, 552r, 552s, 552t).

‘‘(e) PUBLIC AVAILABILITY.—The Secretary of Labor shall make available to the public, on the primary website of the Department of Labor, the site exposure matrices, as periodically updated under subsections (b) and (c).

‘‘(2) each site profile prepared under section 3861B(a);

‘‘(3) any other database used by the Secretary of Labor to evaluate claims for compensation under this title; and

‘‘(4) statistical data, in the aggregate and disaggregated by each Department of Energy facility, regarding—

(A) the number of claims filed under this subtitle;

(B) the types of illnesses claimed;

(C) the number of claims filed for each type of illness and, for each claim, whether the claim was approved or denied;

(D) the number of claimants receiving compensation; and

(E) the length of time required to process each claim, as measured from the date on which the claim is filed to the final disposition of the claim.

‘‘(f) AUTHORIZATION OF APPROPRIATIONS.—The Secretary of Energy is authorized to provide to the Secretary of Energy, for fiscal year 2022 and each succeeding year, such sums as may be
necessary to support the Secretary of Labor in creating or updating the site exposure matrices.”.

SEC. 3163. ASSISTING CURRENT AND FORMER DEPARTMENT OF ENERGY EMPLOYEES UNDER THE EPCA.

(a) PROVIDING INFORMATION AND OUTREACH.—Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384l et seq.) is amended—

(1) by redesigning section 3614 as section 3616; and

(2) by inserting after section 3613 the following:

"SEC. 3614. INFORMATION AND OUTREACH."

"(a) ESTABLISHMENT OF TOLL-FREE INFORMATION PHONE NUMBER.—By not later than January 1, 2021, the Secretary of Labor shall establish a toll-free phone number that current or former employees of the Department of Energy, or current or former Department of Energy contractor employees, may use in order to receive information regarding—

"(1) the compensation program under subtitle B or E;"

"(2) information regarding the process of submitting a claim under either compensation program;"

"(3) assistance in completing the occupational health questionnaire required as part of a claim under subtitle B or E;"

"(4) the next steps to take if a claim under subtitle B or E is accepted or denied; and"

"(5) information as the Secretary determines necessary to further the purposes of this title.

(b) ESTABLISHMENT OF RESOURCE AND ADVOCACY CENTERS.—"(1) IN GENERAL.—By not later than January 1, 2021, the Secretary of Energy, in coordination with the Secretary of Labor, shall establish a resource and advocacy center at each Department of Energy facility where cleanup operations are being carried out, or have been carried out, under the environmental management program of the Department of Energy. Each such resource and advocacy center shall assist current or former Department of Energy employees and current or former Department of Energy contractor employees, by enabling the employees and contractor employees to—

"(A) obtain information regarding all related programs available to them relating to potential claims under this title, including—

"(i) programs under subtitles B and E; and"

"(ii) the former worker medical screening program of the Department of Energy; and"

"(B) navigate all such related programs.

"(2) COORDINATION.—The Secretary of Energy shall integrate other programs available to current and former employees, and current or former Department of Energy contractor employees, which are related to the purposes of this title, with the resource and advocacy centers established under paragraph (1), as appropriate.

(c) INFORMATION.—The Secretary of Labor shall establish and distribute, through the resource and advocacy centers established under subsection (b) and other means, information which may include responses to frequently asked questions (FAQs) for current or former employees or current or former Department of Energy contractor employees about the programs under subtitles B and E and the compensation program under such programs.

(d) COPY OF EMPLOYEE’S CLAIMS RECORDS.—"(1) IN GENERAL.—The Secretary of Labor shall, upon the request of—

"(A) a current or former employee or Department of Energy contractor employee, provide the employee with a complete copy of all records or other materials that are relevant to the employee’s claim under such subtitle or E, relating to the employee’s claim under such subtitle B or E.

"(2) CHOICE OF FORMAT.—The Secretary of Labor shall provide the copy of records described in paragraph (1) to an employee in electronic or paper form, as selected by the employee.

"(e) CONTACT OF EMPLOYEES BY INDUSTRIAL HYGIENISTS.—The Secretary of Labor shall allow industrial hygienists to contact and interview current and former employees or Department of Energy contractor employees regarding the employee’s claim under subtitle B or E.

(f) EXTENDING APPEAL PERIOD.—Section 3677(a) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7386t-1) is amended—

"(1) by striking ‘‘60 days’’ and inserting ‘‘180 days’’.

(g) FUNDING.—Section 3684 of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s-13) is amended—

"(1) in subsection (b)—

"(A) in paragraph (1)(F), by striking ‘‘and’’ after the semicolon;

"(B) in paragraph (2), by striking the period at the end and inserting a semicolon; and

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

"(2) develop recommendations for the Secretary of Health and Human Services regarding whether there is a class of Department of Energy contractor employees, Department of Energy contractor employees, or other employees at any Department of Energy facility who were at least as likely as not exposed to toxic substances in the workplace in such a manner, and containing or accompanied by such information as the Secretary may require.

(h) REQUIRED RESPONSES TO BOARD RECOMMENDATIONS.—Not later than 90 days after the date on which the Board and Congress receive recommendations in accordance with paragraph (1), the Secretary shall—

"(1) summarize the findings of the research;"

"(2) include recommendations for any additional studies;"

"(3) describe any classes of employees that, based on the results of the report, could warrant the establishment of a Special Exposure Registry under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) for toxic substances; and"

"(4) identify any new illnesses that, as a result of the study, may be included as covered illnesses under such Act (42 U.S.C. 7384 et seq.).

(i) REPORT TO CONGRESS.—"(1) IN GENERAL.—Not later than 120 days after the date on which the reports under subsection (f) are due, the Secretary shall—

"(A) identify a list of cancers and other illnesses associated with toxic substances that pose, or posed, a hazard in the work environment at any Department of Energy facility; and"

"(B) prepare and submit to the relevant committees of Congress a report—

"(i) summarizing the findings from the reports required under subsection (f);"

"(ii) identifying any new illnesses that, as a result of the study, will be included as covered illnesses, pursuant to subsection (f)(4) and section 3671(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(2)); and"

"(iii) including the Secretary’s recommendations for additional health studies relating to toxic substances, if the Secretary determines it necessary.

(2) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘‘relevant committees of Congress’’ means—

"(A) the Committee on Armed Services, Committee on Appropriations, Committee on

SEC. 3164. RESEARCH PROGRAM ON EPIDEMIOLOGICAL IMpACTS OF TOXIC EXPOSURES.

(a) DEFINITIONS.—In this section—

"(1) the term ‘‘Department of Energy facility’’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

"(2) the term ‘‘Secretary’’ means the Secretary of Health and Human Services.

(b) ESTABLISHMENT.—The Secretary, acting through the Director of the National Institutes of Health, shall—

"(1) establish, in collaboration with the Director of the Centers for Disease Control and Prevention, a research program on the epidemiological, clinical, or health impacts of exposures to toxic substances at Department of Energy facilities; and"

"(2) use funds.—Research under subsection (a) may include research on the epidemiological, clinical, or health impacts on individuals who were exposed to toxic substances in or near the tank or other storage farms and other relevant Department of Energy facilities through their work at such sites.

(c) ELIGIBILITY AND APPLICATION.—Any institution of higher education or the National Academy of Sciences may apply for funding under this section by submitting to the Secretary an application at such time, in such manner, and containing or accompanied by such information as the Secretary may require.

(d) RESEARCH COORDINATION.—The Secretary shall coordinate for this section with similar activities conducted by the Department of Health and Human Services to the extent that other agencies have responsibilities that are related to the study of epidemiological, clinical, or health impacts of exposures to toxic substances.

(e) HEALTH STUDIES REPORT TO SECRETARY.—Not later than the end of the funding period for research under this section, the funding recipient shall prepare and submit to the Secretary a final report that—

"(1) summarizes the findings of the research;"

"(2) includes recommendations for any additional studies;"

"(3) describes any classes of employees that, based on the results of the report, could warrant the establishment of a Special Exposure Registry under the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7384 et seq.) for toxic substances; and"

"(4) identifies any new illnesses that, as a result of the study, should be included as covered illnesses under such Act (42 U.S.C. 7384 et seq.).

(f) REPORT TO CONGRESS.—"(1) IN GENERAL.—Not later than 120 days after the date on which the reports under subsection (f) are due, the Secretary shall—

"(A) identify a list of cancers and other illnesses associated with toxic substances that pose, or posed, a hazard in the work environment at any Department of Energy facility; and"

"(B) prepare and submit to the relevant committees of Congress a report—

"(i) summarizing the findings from the reports required under subsection (f);"

"(ii) identifying any new illnesses that, as a result of the study, will be included as covered illnesses, pursuant to subsection (f)(4) and section 3671(2) of the Energy Employees Occupational Illness Compensation Program Act of 2000 (42 U.S.C. 7385s(2)); and"

"(iii) including the Secretary’s recommendations for additional health studies relating to toxic substances, if the Secretary determines it necessary.

(2) RELEVANT COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ‘‘relevant committees of Congress’’ means—

"(A) the Committee on Armed Services, Committee on Appropriations, Committee on
Energy and Natural Resources, and Committee on Health, Education, Labor, and Pensions of the Senate; and (B) the Committee on Armed Services, Committee on Appropriations, Committee on Energy and Commerce, and Committee on Education and Labor of the House of Representatives.

(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2022 through 2026.

SEC. 3165. NATIONAL ACADEMY OF SCIENCES REVIEW.

Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (7 U.S.C. 7384 et seq.), as amended by section 3165, is further amended by inserting after section 3164 the following:

"SEC. 3165. NATIONAL ACADEMY OF SCIENCES REVIEW.

"(a) Purpose.—The purpose of this section is to enable the National Academy of Sciences, a non-Federal entity with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to toxic substances found at Department of Energy cleanup sites.

"(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2022 through 2026.

SEC. 3166. NATIONAL ACADEMY OF SCIENCES REVIEW.

Subtitle A of the Energy Employees Occupational Illness Compensation Program Act of 2000 (7 U.S.C. 7384 et seq.), as amended by section 3166, is further amended by inserting after section 3165 the following:

"SEC. 3166. NATIONAL ACADEMY OF SCIENCES REVIEW.

"(a) Purpose.—The purpose of this section is to enable the National Academy of Sciences, a non-Federal entity with appropriate expertise, to review and evaluate the available scientific evidence regarding associations between diseases and exposure to toxic substances found at Department of Energy cleanup sites.

"(b) Authorization of Appropriations.—There is authorized to be appropriated to carry out this section $3,000,000 for each of fiscal years 2022 through 2026.
with each exercise to communicate the purpose of the exercise to the public.

(f) TECHNICAL AND CONFORMING AMENDMENTS.—The Military Selective Service Act is amended—

(1) in section 4 (50 U.S.C. 3803)—

(A) in subsection (a) in the third undesignated paragraph—

(i) by striking “his acceptability in all respects, including such person’s acceptability in all respects, including such person’s”; and

(ii) by striking “he may prescribe” and inserting “the President may prescribe”;

(B) in subsection (c)—

(i) in paragraph (2), by striking “any enlisted member” and inserting “any person who is an enlisted member”;

(ii) in paragraphs (3), (4), and (5), by striking “in which he resides” and inserting “in which such person resides”;

(C) in subsection (g), by striking “coordinate with him” and inserting “coordinate with the Director”; and

(D) in subsection (k)(1), by striking “finding by him” and inserting “finding by the President”;

(2) in section 5 (50 U.S.C. 3805), by striking “he may prescribe” and inserting “the President may prescribe”;

(3) in section 6 (50 U.S.C. 3806)—

(A) in subsection (c)(2)(D), by striking “he may prescribe” and inserting “the President may prescribe”;

(B) in subsection (d)(3), by striking “he may deem appropriate” and inserting “the President considers appropriate”; and

(C) in subsection (h), by striking “he may prescribe” each place it appears and inserting “the President may prescribe”;

(4) in section 10 (50 U.S.C. 3809)—

(A) in subsection (b)—

(i) in paragraph (3)—

(I) by striking “He shall create” and inserting “The President shall create”; and

(II) by striking “upon his own motion and inserting “upon the President’s own motion”; and

(ii) in paragraph (4), by striking “his status” and inserting “such individual’s status”; and

(iii) in paragraphs (6), (8), and (9), by striking “he may deem”; each place it appears and inserting “the President considers”; and

(B) in subsection (c), by striking “vested in him” and inserting “vested in the President”;

(5) in section 13(b) (50 U.S.C. 3812(b)), by striking “regulation if he” and inserting “regulation if the President”;

(6) in section 15 (50 U.S.C. 3813)—

(A) in subsection (b), by striking “his” each place it appears and inserting “the registrant’s”;

(B) in subsection (d), by striking “he may deem” and inserting “the President considers”; and

(7) in section 16(g) (50 U.S.C. 3814(g))—

(A) in paragraph (1), by striking “who as his regular and customary vocation” and inserting “who, as such person’s regular and customary vocation”;

(B) in paragraph (2)—

(i) by striking “one who as his customary vocation” and inserting “a person who, as such person’s customary vocation”; and

(ii) by striking “he is a member” and inserting “such person is a member”; and

(B) in section 18(a) (50 U.S.C. 3816(a)), by striking “Nation’s” and inserting “the President is authorized”;

(9) in section 21 (50 U.S.C. 3819)—

(A) by striking “he is sooner” and inserting “such person is sooner”; and

(B) by striking “he” each subsequent place it appears and inserting “such person”; and

(10) by striking “his consent” and inserting “such person’s consent”; and

(11) except as otherwise provided in this section—

(A) by striking “be” each place it appears and inserting “such person”;

(B) by striking “his” each place it appears and inserting “such person’s”;

(C) by striking “be” each place it appears and inserting “such person”; and

(D) by striking “present himself” each place it appears in section 12 (50 U.S.C. 3811) and inserting “present himself”;

(g) ENACTMENT OF AUTHORIZATION REQUIRED FOR DRAFT.—

(1) FINDINGS.—Congress makes the following findings:

(A) Clause 12 of section 8 of article I of the Constitution of the United States empowers Congress with the responsibility to “raise and support Armies”.

(B) The United States first required military conscription in the American Civil War under the Civil War Draft Act of 1863.

(C) The Selective Services Act of 1917 authorized the President to draft additional forces beyond the Army’s regular force in excess of the high demand for additional forces when the U.S. entered the first World War.

(D) The Selective Training and Service Act of 1940 was the first authorization by Congress for conscription in peacetime but limited the President’s induction authority to “no greater number of men than the Congress shall hereafter make specific appropriation for from time to time”.

(E) Congress allowed induction authority to lapse in 1943.

(F) Congress reinitiated the President’s induction authority under the Selective Service Act of 1948 to raise troops for United States participation in the Korean War.

(G) Congress maintained the President’s induction authority under the Selective Service Act of 1948 through the beginning of the Vietnam War.

(H) Congress passed additional reforms to the draft under the Military Selective Service Act of 1967 in response to issues arising from United States engagement in the Vietnam War.

(I) Congress prohibited any further use of the draft after July 1, 1973.

(J) If a president seeks to reactivate the use of the draft, Congress would have to enact a law providing authorization for this purpose.

(2) AMENDMENT.—Section 17 of the Military Selective Service Act (50 U.S.C. 3815) is amended—

(a) by striking “(d) No person shall be inducted for training and service in the Armed Forces unless the person accepts induction into the draft under such provisions of law as shall be hereinafter enacted”;

(b) by striking “(e) No person shall be inducted for training and service in the Armed Forces unless the person accepts induction into the draft under such provisions of law as shall be hereinafter enacted”;

(c) by striking “(h) The United States Selective Service System shall have the same authority under this act as it had when such visa or other entry documentation was issued”;

(d) by striking “(j) The United States shall have the same authority to impose documentary requirements as it had when such visa or other entry documentation was issued”;

(3) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date of the enactment of this Act, except that the amendments made by subsections (d) and (g) shall take effect one year after such date of enactment.

SA 4794. Mr. RISCH (for himself, Mr. PORTMAN, Mr. CRUZ, Mr. BARRASSO, Mr. JOHNSON, Mr. COTTON, and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and

At the end of subtitle D of title XII, add the following:

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) IN GENERAL.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to any corporate officer of an entity established for or responsible for the planning, construction, or operation of the Nord Stream 2 pipeline or a successor entity; and

(2) impose sanctions under subsection (c) with respect to any entity described in paragraph (1).

(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.

(1) IN GENERAL.—An alien described in subsection (a)(1) is—

(A) inadmissible to the United States; and

(B) ineligible to receive a visa or other document to enter the United States; and

(2) OTHER ELIGIBILITY.—A revocation under clause (1) shall—

(A) take effect immediately; and

(B) automatically cancel any other visa or entry documentation that is in the alien’s possession.

(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.

(1) IN GENERAL.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block all property and interests in property of an entity described in subsection (a)(1) if such property and interests in property are in the United States, or are or come within the possession or control of a United States person.

(d) EXCEPTIONS.

(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—Sanctions under this section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, and the Convention on Consular Relations, done at Vienna April 24, 1963, and entered into force March 19, 1967, or other applicable international obligations.

(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.
SEC. 1238. APPLICATION OF CONGRESSIONAL REVIEW UNDER COUNTERING AMERICA’S ADVERSARIES THROUGH SANCTIONS ACT.

Section 216(a)(2) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511(a)(2)) is amended—

(1) in subparagraph (A), by striking “other than sanctions described in clause (i)(IV) of that subparagraph” after “subparagraph (B)”; and

(2) in clause (ii), by inserting “or otherwise remove” after “waive”; and

(3) in clause (iii), by inserting a semicolon;

(4) in clause (iv), by striking “and”; and

(5) by adding at the end the following—


SEC. 1239. CONGRESSIONAL REVIEW OF WAIVER UNDER PROTECTING EUROPE’S ENERGY SECURITY ACT OF 2019.

Section 7503(f) of the Protecting Europe’s Energy Security Act of 2019 (title LXXV of Public Law 116-92; 22 U.S.C. 9526 note) is amended, in the matter preceding paragraph (1), by striking “The President” and inserting “Subject to review by Congress under section 216 of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511), the President may waive the application of sanctions under this section if the President determines that the waiver is in the national security interest of the United States; and—

(1) submits to the appropriate congressional committees a report on the waiver and the reason for the waiver.

(3) IMPLEMENTATION; PENALTIES.—

(1) IMPLEMENTATION.—The President may—

(A) in a manner consistent with the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(B) the Privacy Act of 1974 (5 U.S.C. 552a) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes a violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1706) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.

(g) SUNSET.—The authority to impose sanctions under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.

(b) DEFINITIONS.—In this section:

(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission”, “admitted”, and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(B) the Committee on Foreign and the Committee on Financial Services of the House of Representatives.

(3) UNITED STATES PERSON.—The term “United States person” means—

(A) a United States citizen or an alien lawfully admitted for permanent residence to the United States;

(B) an entity organized under the laws of the United States or any jurisdiction within the United States including a foreign branch of such an entity; or

(C) any person within the United States.

SEC. 1240. INCLUSION OF MATTER RELATING TO NORD STREAM 2 IN REPORT UNDER COUNTERING AMERICA’S ADVERSARIES THROUGH SANCTIONS ACT.

Each report submitted under section 216(a)(1) of the Countering America’s Adversaries Through Sanctions Act (22 U.S.C. 9511) that is submitted in accordance with section 1237 of this Act or section 7503 of the Protecting Europe’s Energy Security Act of 2019 (title LXXV of Public Law 116-92; 22 U.S.C. 9526 note) shall include—

(1) an assessment of the security risks posed by Nord Stream 2, including—

(A) the presence along Nord Stream 2 or Nord Stream 1 infrastructure or pipeline corridors of undersea surveillance systems and sensors, fiber optic terminals, or other systems that are capable of conducting military, intelligence, or other activities unrelated to civilian energy transmission, including those designed to enhance Russian Federation anti-submarine warfare, surveillance, espionage, or sabotage capabilities;

(B) the use of Nord Stream-affiliated infrastructure, equipment, personnel, vessels, financing, or other assets—

(i) to facilitate the transit, or conceal Russian Federation maritime surveillance, espionage, or sabotage activities;

(ii) to justify the presence of Russian Federation military personnel, or equipment in international waters or near North Atlantic Treaty Organization or partner countries;

(iii) to disrupt freedom of navigation; or

(iv) to pressure or intimidate countries in the Baltic Sea;

(C) the involvement in the Nord Stream 2 pipeline or its affiliated entities of current or former Russian, Soviet, or Warsaw Pact intelligence and military personnel and any business dealings between Nord Stream 2 and entities involved in intelligence or defense sector of the Russian Federation; and

(D) malign influence activities of the Government of the Russian Federation, including strategic corruption and efforts to influence European decision-makers, supported or financed through the Nord Stream 2 pipeline;

(2) an assessment that the Russian Federation maintains gas transit through Ukraine at levels consistent with the volumes set forth in the Ukraine-Russia Federation Gas Transportation Protocol of November 2019 and continues to pay the transit fees specified in that agreement;

(3) an assessment of the status of negotiations and discussions of the United States and Ukraine to secure an agreement to extend the ranges of the Department of Defense, including European decision-makers, supported or financed through the Nord Stream 2 pipeline; and

(4) an assessment of whether the United States and Germany have agreed on a common definition for energy “weaponization” and the associated triggers for sanctions and other enforcement actions, pursuant to the Joint Statement of the United States and the European Union on the promotion of the Energy Security, and our climate goals, dated July 21, 2021; and

(5) a description of the consultations with United States allies and partners in Europe, including Ukraine, Poland, and the countries in Central and Eastern Europe most impacted by the Nord Stream 2 pipeline concerning the matters agreed to as described in paragraph (4).

SA 4795. Mr. SHELBY (for himself, Mr. INHOFE, Mr. WICKER, Mr. BLUNT, Mrs. CAPITO, Mrs. HYDE-SMITH, Mr. COTTON, Mr. BOOZMAN, Ms. COLLINS, Mr. KENNEDY, Ms. MURKOWSKI, Mr. CRAMER, Mr. TILLIS, and Mr. HEOVEN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and

At the appropriate place, insert the following:

TITLE 1—AUTHORIZATION OF AMOUNTS FOR DEPARTMENT OF DEFENSE INFRASTRUCTURE PROJECTS.

There is established in the general fund of the Treasury an account to be known as the “Defense Infrastructure Fund” for the deposit of amounts to be used for improvement of the infrastructure of the Department of Defense.

SEC. 2. AUTHORIZATION OF AMOUNTS FOR FEDERAL INFRASTRUCTURE PROJECTS.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $1,000,000,000 for the “Federal Infrastructure Fund, of which $300,000,000 shall be available for each of the Departments of the Army, the Navy, and the Air Force, and $100,000,000 shall be for the Defense Health Agency, to reduce the backlog of facility infrastructure maintenance projects of the Department of Defense.

(b) COMPLIANCE WITH REPAIR REQUIREMENTS.—Any project carried out with amounts authorized under subsection (a) shall comply with the requirements under section 2811 of title 10, United States Code.

(c) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. 3. AUTHORIZATION OF AMOUNTS FOR MODERNIZATION OF TEST AND TRAINING RANGES OF DEPARTMENT OF DEFENSE.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $2,800,000,000 for the “Defense Infrastructure Fund, to modernize the test and training ranges of the Department of Defense, includ-
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(Division B of Public Law 115-91; 10 U.S.C.
22a note) for test and evaluation activities.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2022.

SEC. 4. AUTHORIZATION OF AMOUNTS FOR REMEDIATION OF PERFLUORALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $700,000,000,000 for the Defense Infrastructure Fund to remediate perfluoralkyl substances and polyfluoralkyl substances at installations owned by the Department of Defense.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. 5. AUTHORIZATION OF AMOUNTS FOR DEPOT MODERNIZATION.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $4,325,000,000 for the Defense Infrastructure Fund for depot modernization.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2022.

SEC. 6. AUTHORIZATION OF AMOUNTS FOR AMMUNITION PLANT MODERNIZATION.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $2,350,000,000,000 for the Defense Infrastructure Fund to modernize ammunition plants.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2026.

SEC. 7. AUTHORIZATION OF AMOUNTS FOR FIFTH-GENERATION WIRELESS NETWORKING TECHNOLOGIES.

(a) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $2,500,000,000 for the Defense Infrastructure Fund to provide fifth-generation wireless networking technologies to installations owned by the Department of Defense.

(b) AVAILABILITY OF AMOUNTS.—Amounts authorized under subsection (a) shall be available for obligation until September 30, 2025.

SEC. 8. AUTHORIZATION OF AMOUNTS FOR NAVY SHIPYARD AND INFRASTRUCTURE IMPROVEMENT.

(a) AUTHORIZATION.—

(1) IN GENERAL.—There is authorized to be appropriated to the Department of Defense $10,325,000,000,000 for the Defense Infrastructure Fund to modernize shipyard facilities, dock, dry dock, capital equipment improvements, and dredging efforts needed by such shipyards.

(2) PROJECTS IN ADDITION TO OTHER CONSTRUCTION PROJECTS.—Construction projects under amounts appropriated pursuant to the authorization under subsection (a) shall be in addition to and separate from any military construction program authorized by any Act to authorize appropriations for a fiscal year for military activities of the Department of Defense and for military construction.

(c) NAVY PUBLIC SHIPYARD DEFINED.—In this section, the term "Naval shipyard" means the

(1) The Norfolk Naval Shipyard, Virginia,

(2) The Pearl Harbor Naval Shipyard, Hawaii,

(3) The Portsmouth Naval Shipyard, Maine,


SA 4796. Mr. PAUL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 744. PROHIBITION ON DISHONORABLE DISCHARGE TO A MEMBER OF THE ARMED FORCES FOR REFUSING TO COMPLY WITH COVID–19 VACCINE MANDATE.

The Secretary of Defense may not give a dishonorable discharge to a member of the Armed Forces solely on the basis of the refusal of the member, for religious, medical, or personal reasons, to comply with any requirement that the member receive a vaccination for coronavirus disease 2019 (commonly known as “COVID–19”).

SA 4797. Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 2380. REMEDIATION OF PERFLUORALKYL SUBSTANCES AND POLYFLUOROALKYL SUBSTANCES.

(a) AUTHORITY FOR PAYMENT.—

(1) TRANSFER AMOUNT.—

(A) In general.—The following subsection 2215 of title 10, United States Code, chapter 169 of such title, section 1397 of the National Defense Authorization Act for Fiscal Year 1987 (Public Law 99–661; 100 Stat. 4093), or any other provision of law, using funds described in subsection (b), the Secretary of Defense may transfer to the Administrator of the Environmental Protection Agency for use at the former Rocky Mountain Arsenal, Colorado:

(i) in fiscal year 2022, $4,805,000 for costs associated with the involvement of the Environmental Protection Agency with the cleanup by the Department of the Army of the former Rocky Mountain Arsenal from fiscal year 2000 through fiscal year 2020, after a specific accounting is provided in accordance with subparagraph (B); and

(ii) in each of fiscal years 2022, 2023, and 2024, to account for costs incurred by the Environmental Protection Agency for such cleanup in fiscal years 2021, 2022, and 2023, an amount not to exceed $600,000, after a specific accounting is provided in accordance with subparagraph (B).

(B) ACCOUNTING.—Prior to the payment of amounts under subparagraph (A), the Administrator of the Environmental Protection Agency shall furnish to the Secretary of Defense a specific accounting of costs for which payment is requested.

(C) AUTHORIZED COSTS.—Payment of amounts under subsection (a) may be only in accordance with regulations issued by the Environmental Protection Agency for fiscal years 2015 through 2023—

(i) for providing technical assistance in accordance with the document entitled "Settlement Agreement Between the United States and Shell Oil Company Concerning the Rocky Mountain Arsenal"; and

(ii) that are not inconsistent with the National Oil and Hazardous Substances Pollution Contingency Plan described in part 300 of title 40, Code of Federal Regulations (or successor regulations).

(2) PURPOSE OF PAYMENT.—The amounts authorized to be transferred under paragraph (1)(A) are—

(A) for payment to the Environmental Protection Agency for all costs that may be owed by the Department of the Army to the Environmental Protection Agency pursuant to the Settlement Agreement and

(B) for use at the former Rocky Mountain Arsenal to allow the Environmental Protection Agency to proceed with review of cleanup documents that the Agency had suspended.

(b) SOURCE OF FUNDS.—The transfer authorized under subsection (a)(1)(A) shall be made using funds authorized to be appropriated for fiscal years 2022, 2023, and 2024 for Operation and Maintenance, Army for Environmental Restoration.

(c) FINALITY OF PAYMENTS.—The transfer authorized under subsection (a)(1)(A) constitutes final and complete payment for all costs borne by the Environmental Protection Agency arising from the Settlement Agreement for fiscal years 2015 through 2023.

SA 4798. Mr. CASSIDY (for himself, Mr. WHITEHOUSE, and Ms. WARREN) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

SEC. 9. POSTSECONDARY STUDENT DATA SYSTEM.

(a) SHORT TITLE.—This section may be cited as the "College Transparency Act".

(b) POSTSECONDARY STUDENT DATA SYSTEM.—Section 132 of the Higher Education Act of 1965 (20 U.S.C. 1099) is amended by adding at the end of such section the following:

(1) by redesigning subsection (l) as subsection (m); and
(2) by inserting after subsection (k) the following:

"(I) Postsecondary student data systems.—

"(A) Establishment of system.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner of the National Center for Education Statistics (referred to in this subsection as the 'Commissioner') shall develop and maintain the postsecondary student-level data system in order to—

"(i) accurately evaluate student enrollment, degree progression, completion, and postcollege outcomes, and higher education costs and financial aid;

"(ii) assist with transparency, institutional improvement, and analysis of Federal aid programs;

"(iii) provide accurate, complete, and customizable information for students and families making decisions about postsecondary education; and

"(iv) reduce the reporting burden on institutions of higher education, in accordance with section 5(b) of the College Transparency Act.

"(B) Avoiding duplicated reporting.—Notwithstanding any other provision of this section, to the extent that another provision of this section requires the same reporting or collection of data that is required under this subsection, an institution of higher education, or the Secretary or Commissioner, may use the reporting or data required for the postsecondary student data system under this subsection to satisfy both requirements.

"(C) Development process.—In developing the postsecondary student data system described in this subsection, the Commissioner shall—

"(i) focus on the needs of—

"(I) users of the data system; and

"(II) entities, including institutions of higher education, reporting to the data system;

"(ii) take into consideration, to the extent practicable—

"(I) the guidelines outlined in the U.S. Web Design Standards maintained by the General Services Administration, and the Digital Services Playbook and TechFAR Handbook for Procuring Digital Services Using Agile Processes of the U.S. Digital Service; and

"(II) best practices and recommendations described in other guidelines;

"(iii) use modern, relevant privacy- and security-enhancing technology, and enhance and update systems as necessary to carry out the purpose of this subsection;

"(iv) ensure data privacy and security is consistent with any Federal law relating to privacy or data security, including—

"(I) the requirements of subsection (k) of the Electronic Information Privacy Act of 1980, Public Law 96-548, as amended;

"(II) the provisions of any other provision of Federal law or any provision of any State law that is similar to those described in clause (i),

"(III) security requirements that are consistent with the Federal agency responsibilities in section 3544 of title 44, United States Code, specifying security categorization under the Federal Information Processing Standards or any relevant successor of such standards;

"(IV) security requirements that are consistent with the Federal agency responsibilities in section 3544 of title 44, United States Code, or any relevant successor of such responsibilities; and

"(V) security requirements, guidelines, and controls consistent with cybersecurity standards and best practices developed by the National Institute of Standards and Technology, including frameworks, consistent with section 3544 of the National Institute of Standards and Technology Act (15 U.S.C. 272(c)), or any relevant successor of such frameworks;

"(VI) Federal data minimization practices to ensure only the minimum amount of data is collected to meet the system's goals, in accordance with Federal data minimization standards and guidelines developed by the National Institute of Standards and Technology; and

"(VII) provide sufficient security to protect students outlining the data included in the system and how the data are used.

"(2) Data elements.—

"(A) In general.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner, in consultation with the Postsecondary Student Data System Advisory Committee established under subparagraph (B), shall determine—

"(i) the data elements to be included in the postsecondary student data system, in accordance with subparagraphs (C) and (D); and

"(ii) how to include the data elements required under subparagraph (C), and any additional data elements selected under subparagraph (D), in the postsecondary student data system.

"(B) Postsecondary student data system advisory committee.—

"(I) Establishment.—Not later than 2 years after the date of enactment of the College Transparency Act, the Commissioner shall establish a Postsecondary Student Data System Advisory Committee (referred to in this subsection as the 'Advisory Committee'), whose members include—

"(i) the Chief Privacy Officer of the Department or an official of the Department delegated the duties of overseeing data privacy at the Department;

"(II) the Chief Security Officer of the Department or an official of the Department delegated the duties of overseeing data security at the Department;

"(III) representatives of diverse institutions of higher education, which shall include an equal representation between 2-year and 4-year institutions of higher education, and from public, nonprofit, and proprietary institutions of higher education, including minority-serving institutions;

"(IV) representatives from State higher education agencies, entities, bodies, or boards;

"(V) representatives of postsecondary students;

"(VI) representatives from relevant Federal agencies and as a first generation college student, as defined in section 402A(h); and

"(VII) other stakeholders (including individuals with expertise in data privacy and security, consumer protection, and postsecondary education).

"(II) Requirements.—The Commissioner shall ensure that the Advisory Committee—

"(I) adheres to all requirements under the Federal Advisory Committee Act (5 U.S.C. App.);

"(II) establishes operating and meeting procedures and guidelines necessary to execute its advisory duties; and

"(III) is provided with appropriate staffing and resources to execute its advisory duties.

"(C) Required data elements.—The data elements in the postsecondary student data system shall include, at a minimum, the following:

"(I) Student-level data elements necessary to calculate the information within the surveys designated by the Commissioner as 'student-related surveys' in the Integrated Postsecondary Education Data System (IPEDS), as such surveys are in effect on the day before the date of enactment of the College Transparency Act, except that in the case that collection of such elements would conflict with subparagraph (F); such elements in conflict with subparagraph (F) shall be included in the aggregate instead of at the student level.

"(II) Data sharing agreements.—The Commissioner shall secure, periodic data matches by entering into data
sharing agreements with each of the following Federal agencies and offices:

(i) The Secretary of the Treasury and the Commissioner of the Internal Revenue Service, in order to assess the use of postsecondary educational benefits and the outcomes of servicemembers.

(ii) The Secretary of Defense, in order to assess the use of postsecondary educational benefits and the outcomes of veterans.

(iii) The Secretary of Veterans Affairs, in order to evaluate labor market outcomes of former postsecondary education students.

(iv) The Director of the Bureau of the Census, in order to analyze the use of postsecondary educational benefits provided under this Act.

(v) The Commissioner of the Social Security Administration, in order to evaluate postsecondary education and training.

(vi) The Commissioner of the Department of Education, in order to calculate aggregate program completion outcomes for all postsecondary education students.

(vii) The Commissioner of the Office of Federal Student Aid, in order to calculate aggregate program completion outcomes for all postsecondary education students.

(viii) The Secretary of the Treasury and the Internal Revenue Service, in order to assess the use of postsecondary educational benefits provided under this Act.

(ix) The Commissioner of the Department of Justice, in order to calculate aggregate program completion outcomes for all postsecondary education students.

(x) The Commissioner of the Department of Health and Human Services, in order to assess the use of postsecondary educational benefits provided under this Act.

(xi) The Commissioner of the National Science Foundation, in order to assess the use of postsecondary educational benefits provided under this Act.

(xii) The Commissioner of the National Institute of Standards and Technology, in order to calculate aggregate program completion outcomes for all postsecondary education students.

(xiii) The Commissioner of the National Institutes of Health, in order to assess the use of postsecondary educational benefits provided under this Act.

(xiv) The Commissioner of the National Science Foundation, in order to assess the use of postsecondary educational benefits provided under this Act.

(xv) The Commissioner of the National Institute of Standards and Technology, in order to assess the use of postsecondary educational benefits provided under this Act.

(xvi) The Commissioner of the National Institutes of Health, in order to assess the use of postsecondary educational benefits provided under this Act.

(xvii) The Commissioner of the National Science Foundation, in order to assess the use of postsecondary educational benefits provided under this Act.

(xviii) The Commissioner of the National Institute of Standards and Technology, in order to assess the use of postsecondary educational benefits provided under this Act.

(xix) The Commissioner of the National Institutes of Health, in order to assess the use of postsecondary educational benefits provided under this Act.

(xx) The Commissioner of the National Science Foundation, in order to assess the use of postsecondary educational benefits provided under this Act.

(2) S UMMARY AGGREGATE INFORMATION AVAILABLE.—The summary aggregate information described in paragraph (1)(C)(ii) shall include the following for each institution of higher education:

(A) MEASURES OF STUDENT PROGRESS.—The summary aggregate information described in paragraph (1)(C)(ii) shall include the following measures of student progress, in- institutional and student characteristics:

(i) Measures of student access, including—

(A) admissions selectivity and yield; and

(B) enrollment, disaggregated by each category described in paragraph (2)(C)(i).

(ii) Measures of student progression, including—

(A) measures of student completion, including—

(a) transfer rates and completion rates, disaggregated by each category described in paragraph (2)(C)(i); and

(B) measures of student retention, including—

(a) retention rates and persistence rates, disaggregated by each category described in paragraph (2)(C)(i).

(B) SUMMARY AGGREGATE INFORMATION AVAILABLE.—The summary aggregate information described in paragraph (1)(C)(ii) shall, at a minimum, include each of the following for each institution of higher education:

(A) the mean and median earnings of postsecondary education students;

(B) the mean and median earnings of postsecondary education students;

(C) the mean and median earnings of postsecondary education students;

(D) the mean and median earnings of postsecondary education students;

(E) the mean and median earnings of postsecondary education students;

(F) the mean and median earnings of postsecondary education students;

(G) the mean and median earnings of postsecondary education students;

(H) the mean and median earnings of postsecondary education students;

(I) the mean and median earnings of postsecondary education students;

(J) the mean and median earnings of postsecondary education students;

(K) the mean and median earnings of postsecondary education students;

(L) the mean and median earnings of postsecondary education students;

(M) the mean and median earnings of postsecondary education students;

(N) the mean and median earnings of postsecondary education students;

(O) the mean and median earnings of postsecondary education students;

(P) the mean and median earnings of postsecondary education students;

(Q) the mean and median earnings of postsecondary education students;

(R) the mean and median earnings of postsecondary education students;

(S) the mean and median earnings of postsecondary education students;

(T) the mean and median earnings of postsecondary education students;

(U) the mean and median earnings of postsecondary education students;

(V) the mean and median earnings of postsecondary education students;

(W) the mean and median earnings of postsecondary education students;

(X) the mean and median earnings of postsecondary education students;

(Y) the mean and median earnings of postsecondary education students;

(Z) the mean and median earnings of postsecondary education students.

(3) PUBLICLY AVAILABLE INFORMATION.—The commissioner shall ensure that any periodic match system established in accordance with this paragraph, the Commissioner shall—

(A) DATA REPORTS AND QUERIES.—

(i) PROVIDING DATA REPORTS AND QUERIES

(A) in general.—The Commissioner shall provide data reports and queries made publicly available for the following purposes:

(B) summary aggregate information;

(C) measures of student progression, in institutional and student characteristics;

(D) enrollment, disaggregated by each category described in paragraph (2)(C)(i).

(iii) conduct consumer testing to determine how to make the information as meaningful to users as possible.

(iv) PERMISSIBLE DISCLOSURES OF DATA.—

(A) DATA REPORTS AND QUERIES.—

(i) in general.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner shall develop and implement a secure process for making student-level, non-personally identifiable information, with direct identifiers removed, from the postsecondary student data system available for vetted research and evaluation purposes approved by the Commissioner in a manner compatible with practices for disclosing national Center for Education Statistics restricted-use survey data as in effect on the day before the date of enactment of the College Transparency Act, or in accordance with any other Federal law relating to privacy or security, including complying with the requirements of subpart II of chapter 35, title 44, United States Code, regarding data protection and privacy.

(B) data reports and queries.

(i) in general.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner shall develop and implement a secure process for making student-level, non-personally identifiable information, with direct identifiers removed, from the postsecondary student data system available for vetted research and evaluation purposes approved by the Commissioner in a manner compatible with practices for disclosing national Center for Education Statistics restricted-use survey data as in effect on the day before the date of enactment of the College Transparency Act, or in accordance with any other Federal law relating to privacy or security, including complying with the requirements of subpart II of chapter 35, title 44, United States Code, regarding data protection and privacy. Such process shall be approved by the National Center for Education Statistics' Data Access and Dissemination Review Board.

(ii) PROVIDING DATA REPORTS AND QUERIES TO INSTITUTIONS AND STATES.—

(A) in general.—Not later than 4 years after the date of enactment of the College Transparency Act, the Commissioner shall develop and implement a secure process for making student-level, non-personally identifiable information, with direct identifiers removed, from the postsecondary student data system available for vetted research and evaluation purposes approved by the Commissioner in a manner compatible with practices for disclosing national Center for Education Statistics restricted-use survey data as in effect on the day before the date of enactment of the College Transparency Act, or in accordance with any other Federal law relating to privacy or security, including complying with the requirements of subpart II of chapter 35, title 44, United States Code, regarding data protection and privacy.
“(I) IN GENERAL.—The Commissioner shall provide feedback reports, at least annually, to each institution of higher education, each postsecondary education system that fully participates in the postsecondary student data system, and each State higher education body as designated by the governor.

“(II) FEEDBACK REPORTS.—The feedback reports provided under this clause shall include program-level and institution-level information from the postsecondary student data system regarding students who are associated with such institution or, for States, representatives, the institutions within that State, on or before the date of the report, on measurable student performance and workforce outcomes, provided that the feedback aggregate summary reports protect the privacy of individuals.

“SECTION 3. COMMISSIONER OF EDUCATION STATISTICS.—The content of the feedback reports shall be determined by the Commissioner in consultation with the Advisory Committee.

“(iii) PERMITTING STATE DATA QUERIES.—The Commissioner shall, in consultation with the Advisory Committee and as soon as practicable, create a process through which States may query the postsecondary student data system to receive summary aggregate outcomes for those students who enrolled at an institution of higher education and completed and college graduation, provided that those data protect the privacy of individuals and that the State data submitted to the Commissioner are not stored in the postsecondary education system.

“(iv) REGULATIONS.—The Commissioner shall promulgate regulations to ensure fair, secure, and equitable access to data reports and queries under this paragraph.

“(b) DISCLOSURE LIMITATIONS.—In carrying out the public reporting and disclosure requirements of this subsection, the Commissioner shall use appropriate statistical disclosure limitation techniques necessary to ensure that the data released to the public cannot include personally identifiable information or be used to identify specific individuals.

“(c) SALK OF DATA PROHIBITED.—Data collected under this subsection, including the public-use data set and data comprising the summary aggregate information available under this subsection shall not be sold or leased to any third party by the Commissioner, including any institution of higher education or any other Federal entity.

“(d) LIMITATION ON USE BY OTHER FEDERAL AGENCIES.—(1) IN GENERAL.—The Commissioner shall not authorize a higher Federal agency to use data collected under this subsection for any purpose except—

“(I) for vetted research and evaluation conducted under this Federal agency, as described in subparagraph (A)(i); or

“(II) for a purpose explicitly authorized by this Act.

“(2) PROHIBITION ON LIMITATION OF SERVICES.—The Secretary, or the head of any other Federal agency, shall not use data collected under this subsection to limit services to students.

“(e) LAW ENFORCEMENT.—Personally identifiable information collected under this subsection shall not be used for any Federal, State, or local law enforcement or immigration enforcement, or for any other activity that would result in adverse action against any student or a student’s family, including debt collection activity, in accordance with the applicable provisions of chapter 7 of title 5, United States Code.

“(f) LIMITATION OF USE FOR FEDERAL RANKINGS OR SUMMATIVE RATING SYSTEM.—The comprehensive data collection and analysis maintained by the postsecondary student data system under this subsection shall not be used by the Secretary or any Federal entity to establish any Federal ranking system of institutions of higher education or a system that results in a summative Federal rating of institutions of higher education.

“SECTION 4. RULE OF CONSTRUCTION REGARDING COMMERCIAL USE OF DATA.—Nothing in this paragraph shall be construed to prevent the use of individual categories of aggregate information to be used for accountability purposes.

“(a) RULE OF CONSTRUCTION.—Each institution of higher education participating in a program under title IV or the assigned agent of such institution, shall, for each eligible program, in accordance with section 487(a)(17), collect, and submit to the Commissioner, the data requested by the Commissioner to carry out this subsection.

“(b) VOLUNTARY SUBMISSION.—Any institution of higher education not participating in a program under title IV may voluntarily participate and submit the postsecondary student data system under this subsection by collecting and submitting data to the Commissioner, as the Commissioner may request to carry out this subsection.

“(c) PERSONALLY IDENTIFIABLE INFORMATION.—In accordance with paragraph (2) of section 109(4) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(4)), and to the extent required by the Commissioner, the data requested by the Commissioner to carry out this subsection.

“(d) INSTITUTIONAL REQUIREMENTS.—(1) IN GENERAL.—Paragraph (17) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(17)) is amended to read as follows:

“(II) for a purpose explicitly authorized by the Secretary, to prescribe the procedures and access which shall govern the use and disclosure of the data to the Secretary.

“(E) PROTECTIONS AGAINST UNAUTHORIZED USE AND DISCLOSURE.—Paragraph (17) of section 487(a) of the Higher Education Act of 1965 (20 U.S.C. 1094(a)(17)) is amended to read as follows:

“(A) INSTITUTION OF HIGHER EDUCATION.—Any institution of higher education data collection entity within the Integrated Postsecondary Education Data System (IPEDS), or any other Federal institution of higher education data collection entity (designated by the Secretary), in a timely manner and to the satisfaction of the Secretary, shall—

“(1) adopt and implement, protocols for managing a breach, in a timely manner and to the satisfaction of the Secretary.

“(2) PROHIBIT THE USE OF PERSONAL IDENTIFIABLE INFORMATION FOR PURPOSES NOT AUTHORIZED BY THE SECRETARY.

“SEC. 4979. MR. PETERS FOR HIMSELF, MR. PORTMAN, MR. WARNER, MS. COLLINS, MR. KING, MR. RUBIO, MR. RISCH, MS. ROSEN, MR. CORNYN, AND MR. BURR) submitted an amendment intended to be proposed to amendment SA 3667 submitted by Mr. ReED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

“SEC. 5011. SHORT TITLE. This division may be cited as the ‘Federal Information Security Modernization Act of 2021’.
(1) ADDITIONAL CYBERSECURITY PROCE-
DURE.—The term ‘additional cybersecurity pro-
cedure’ has the meaning given the term in
section 3552(b) of title 44, United States Code,
as amended by this division.
(2) AGENCY.—The term ‘agency’ has the
meaning given the term in section 3502 of
title 44, United States Code.
(3) APPROPRIATE CONGRESSIONAL COM-
MITTEES.—The term ‘appropriate congressional
committees’ means—
(A) the Committee on Homeland Security and
Governmental Affairs of the Senate;
(B) the Committee on Oversight and Re-
form of the House of Representatives; and
(C) the Committee on Homeland Security of
the House of Representatives.
(4) DIRECTOR.—The term ‘Director’ means
the Director of the Office of Management
and Budget.
(5) INCIDENT.—The term ‘incident’ has the
meaning given the term in section 352(b) of
title 44, United States Code.
(6) NATIONAL SECURITY SYSTEM.—The
term ‘national security system’ has the
meaning given the term in section 352(b) of
title 44, United States Code.
(7) PENETRATION TEST.—The term ‘penetra-
tion test’ has the meaning given the term in
section 352(b) of title 44, United States Code,
as amended by this division.
(8) SECURITY.—The term ‘security’ means
proactively and iteratively searching for threats to systems that evade
detection by automated threat detection sys-
tems.
TITLE I—IUPDATES TO FISMA
SEC. 5121. TITLE 44 AMENDMENTS.
(a) SUBCHAPTER I AMENDMENTS.—Sub-
chapter I of chapter 43 of title 44 of the United States Code, is amended—
(1) in section 3504—
(A) in subsection (a)(1)(B)—
(i) by striking clause (v) and inserting the following:
‘‘(v) confidentiality, privacy, disclosure, and
sharing of information;’’;
(ii) by redesignating clause (vi) as clause
(vii); and
(iii) by inserting after clause (v) the fol-
lowing:
‘‘(vi) in consultation with the National
Cyber Director and the Director of the Cy-
bersecurity and Infrastructure Security
Agency, the National Cyber Director, and the
National Institute of Standards and Tech-
ology—
(B) by inserting after subsection (c) the
following:
‘‘(1) develop, and in consultation with the
Director of the Cybersecurity and Infrastruc-
ture Security Agency and the National
Cyber Director, oversee the implementation
of policies, principles, standards, and guide-
lines on privacy, confidentiality, security,
disclosure and sharing of information col-
lected or maintained by or for agencies; and
(2) in section 3505—
(A) in paragraph (3) of the first subsection
designated as subsection (c)—
(i) in subparagraph (B)—
(1) by inserting ‘the Director of the Cyber-
security and Infrastructure Security Agency,
the National Cyber Director, and’ before
‘the Comptroller General’; and
(2) by striking ‘‘at the end’’; and
(ii) in subparagraph (C)(i), by striking the
end; and
(B) in subsection (b), by striking ‘‘security,’’
after ‘efficiency,’’; and
(4) in section 3513—
(A) by redesignating subsection (c) as sub-
nsection (d); and
(B) by inserting after subsection (b) the fol-
lowing:
‘‘(c) Each agency providing a written plan
under subsection (b) shall provide any port
of the written plan addressing informa-
tion security standards promulgated under
section 44313 of title 44 to the Director of the
Cybersecurity and Infrastructure Security
Agency.’’;
(b) SUBCHAPTER II AMENDMENTS.—
(1) IN GENERAL.—Section 3522(b) of title 44,
United States Code, is amended by—
(A) by redesigning paragraphs (1), (2), (3),
(4), (5), (6), and (7) as paragraphs (2), (3),
(4), (5), (6), and (9), respectively;
(B) by inserting after paragraph (2), as so
redesignated, the following:
‘‘(1) The term ‘‘additional cybersecurity
procedure’’ means a process, procedure, or
other activity that is established in excess of
the information security standards promul-
gated under section 44313 of title 44 to in-
crease the security and reduce the cyberse-
curity risk of agency systems.’’;
(C) by inserting after paragraph (6), as so
redesignated, the following:
‘‘(7) The term ‘‘high value asset’’ means
specialized type of assessment that—
(A) is conducted on an information sys-
tem or a component of an information sys-
tem or a component of an informa-
tion system that the head of an agency determines so critical to
the agency to perform the mission of the agency or conduct business.
(B) is designed to identify—
(i) potential threats that have the same resources to secure agency
mission of the agency; and
(ii) vulnerabilities that can impact the
ability of the agency to perform the
mission of the agency or conduct business.
(8) The term ‘‘重大 incident’’ has the
meaning given the term in guidance issued
by the Director under section 3508(a).’’;
(D) by inserting after paragraph (9), as so
redesignated, the following:
‘‘(10) The term ‘‘penetration test’’ means a
specialized type of assessment that—
(A) is conducted on an information sys-
tem or a component of an informa-
tion system; and
(B) emulates an attack or other explo-
tation capability of a potential adversary,
typically under specific constraints, in order
to identify any vulnerabilities of an informa-
tion system or a component of an informa-
tion system that could be exploited.’’;
(E) by inserting after paragraph (11), as so
redesignated, the following:
‘‘(12) The term ‘‘shared service’’ means a
centralized business or mission capability
that is provided to cybersecurity or cy-
ersecurity to the Director of the Cybersecurity
and Infrastructure Security Agency.’’;
(2) CONFORMING AMENDMENTS.—
(A) HOMELAND SECURITY ACT OF 2002.—Sec-
cion 1080A of the Homeland Security Act
of 2002 (6 U.S.C. 511(a)(A)) is amended by
striking ‘section 352(b)(5)’’ and inserting ‘‘section
352(b)’’.
(B) TITLE II.—
(1) SECTION 222.—Section 2222(1)(b) of title
10, United States Code, is amended by strik-
ing ‘section 352(b)(6)(A)’’ and inserting ‘‘section
352(b)(5)’’.
(2) SECTION 2222.—Section 2222(c)(3) of title
10, United States Code, is amended by strik-
ing ‘section 352(b)(6)’’ and inserting ‘‘section
352(b)’’.
(3) SECTION 2315.—Section 2315 of title 10,
United States Code, is amended by striking
‘section 352(b)(6)’’ and inserting ‘‘section
352(b)’’.
(C) HIGH PERFORMANCE COMPUTING ACT OF
1991.—Section 207(a) of the High-Performance
Computing Act of 1991 (15 U.S.C. 273) is amend-
ed by inserting ‘section 352(b)(6)(A)(1)’’ and
inserting ‘‘section 352(b)(5)(A)(1)’’.
(D) INTERNET OF THINGS CYBERSECURITY IM-
PROVEMENT ACT OF 2020.—Section 3(5) of the
Internet of Things Cybersecurity Improve-
ment Act of 2020 (25 U.S.C. 278g–3a) is amend-
ed by striking ‘section 352(b)(5)(B)’’ and
inserting ‘‘section 352(b)’’.
(E) NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2013.—Section 1083(e)(1)(B)
of the National Defense Authorization Act for Fiscal Year 2013 (10 U.S.C. 2224) is amended by strik-
ing ‘section 352(b)(2)’’ and inserting ‘‘section
352(b)’’.
(F) IRE SKELTON NATIONAL DEFENSE AUTHORIZED-
IZATION ACT FOR FISCAL YEAR 2021.—The Ire
Skelton National Defense Authorization Act
for Fiscal Year 2021 (Public Law 119–35) is amend-
ed—
(1) in section 806(e)(5) (10 U.S.C. 2304), by
striking ‘section 352(b)’’ and inserting ‘‘section
352(b)’’;
(2) in section 831(b)(3) (10 U.S.C. 2223), by
striking ‘section 352(b)(2)’’ and inserting ‘‘section
352(b)’’; and
(3) in section 932(b)(2) (10 U.S.C. 2224,
note), by striking ‘section 352(b)(2)’’ and inser-
ting ‘‘section 352(b)’’.
(G) E-GOVERNMENT ACT OF 2002.—Section
3532(b) of the E-Government Act of 2002
(44 U.S.C. 3532) is amended by striking
‘section 352(b)’’.
(H) NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY ACT.—Section 20 of the National
Institute of Standards and Technology Act
(15 U.S.C. 278g–3) is amended—
(1) in subsection (a)(2), by striking ‘section
352(b)(5)’’ and inserting ‘‘section 352(b)’’;
and
(2) in subsection (f)—
(D) by adding at the end the following:
‘‘(7) recognize that each agency has spe-
cific mission requirements and at times,
which will differ from any cybersecurity or cy-
ersecurity to the Director of the Cybersecurity
and Infrastructure Security Agency.’’;
(3) by adding at the end the following:
‘‘(8) recognize that each agency does not
have the same resources to secure agency
systems, and an agency should not be ex-
pected to have the capability to secure the
systems of the agency from advanced adver-
saries alone; and
(4) recognize that a holistic Federal cy-
ersecurity model is necessary to account
for differences between the missions and ca-
pabilities of agencies.’’.
(2) in section 5351—
(A) by striking the section heading and in-
serting ‘Authority and functions of the Di-
rector and the Director of the Cybersecurity
and Infrastructure Security Agency’’.
(2) in subsection (a)—
(1) in paragraph (1), by inserting ‘‘in con-
sultation with the Director of the Cybersecu-
ry and Infrastructure Security Agency and
the National Cyber Director,’’ before ‘‘over-
seeing’’;
(2) in paragraph (5), by striking ‘‘and’’ at
the end; and
(iii) by adding at the end the following:
‘‘(8) promoting, in consultation with the
Director of the Cybersecurity and Infrastruc-
ture Security Agency, the National Institute of Standards and Tech-
nology—
“(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity; and

“(B) the use of presumption of compromise and least privilege principles to improve resiliency and timely response actions to incidents on Federal systems.”;

“(C) in subsection (i) by striking the subsection heading and inserting “CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY”;

“(ii) upon preceding paragraph (1), by striking “the Secretary, in consultation with the Director” and inserting “The Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director”;

“(iii) in paragraph (2)—

“(A) in subsection (a)—

“(i) in paragraph (1), by striking “and” and inserting “leading the coordination of”;

“(ii) in paragraph (2), by inserting “the Director’s discretion” and inserting “the Director of the Cybersecurity and Infrastructure Security Agency”;

“(iv) in paragraph (5), by striking “coordinating” and inserting “leading the coordination of”;

“(v) in paragraph (8), by striking “the Secretary’s discretion” and inserting “the Director of the Cybersecurity and Infrastructure Security Agency’s discretion”;

“(vi) in paragraph (9), by striking “as the Director or the Secretary, in consultation with the Director,” and inserting “as the Director of the Cybersecurity and Infrastructure Security Agency”; and

“(D) in subsection (c)—

“(i) in the matter preceding paragraph (1), by striking “each year” and inserting “each year during which agencies are required to submit reports under section 3556(c);”

“(ii) by striking paragraph (1); and

“(iii) in paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

“(iv) in paragraph (3), as so redesignated, by striking “and” at the end; and

“(v) by inserting after paragraph (3), as so redesignated the following:

“(4) a summary of each assessment of Federal risk posture performed under subsection (1);”;

“(vi) in paragraph (5), by striking the period at the end and inserting “and”; and

“(E) by redesignating subsections (i), (j), (k), and (l) as subsections (j), (k), (l), and (m), respectively;

“(F) by inserting after subsection (b) the following:

“(1) FEDERAL RISK ASSESSMENTS.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

“(i) the status of agency cybersecurity remedial actions described in section 3554(a)(7);

“(ii) any vulnerability information relating to the systems of an agency that is known to the agency;

“(iii) analysis of incident information under section 3554(b);

“(iv) evaluation of penetration testing performed under section 3559A;

“(v) evaluation of vulnerability disclosure programs under section 3559B;

“(vi) evaluation of threat hunting results;

“(vii) evaluation of Federal and non-Federal cyber threat intelligence; and

“(viii) data on agency compliance with standards issued under section 11313 of title 40;

“(9) agency system risk assessments performed under section 3554(a)(1)(A); and

“(10) any other information the Director of the Cybersecurity and Infrastructure Security Agency determines relevant.”; and

“(G) in subsection (j), as so redesignated—

“(i) by striking “regarding the specific” and inserting “that includes a summary of—

“(1) the status of agency risk posture performed under section 3559A; and

“(2) the trends identified in the Federal risk assessment performed under subsection (1);” and

“(H) by adding at the end the following:

“(i) the results of penetration testing performed by the Department of Homeland Security under section 3553(b)(9); and

“(ii) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;

“(VI) assess the impacts of potential agency incidents to agency systems, data, and operations based on the evaluations described in clauses (ii) and (iv) and the agency systems identified under clause (iii); and

“(VII) the results of penetration testing performed under section 3559A; and

“(III) information provided to the agency through the vulnerability disclosure program of the agency under section 3559B; and

“(IV) incidents; and

“(V) any other vulnerability information relating to agency systems that is known to the agency;
“(aa) the senior information security officer of the agency or an equivalent official; and

(bb) the Chief Information Officer of the component agency or an equivalent official;”;

(IV) in paragraph (5), by inserting “and the Director of the Cybersecurity and Infrastructure Security Agency” before “on the effectiveness”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(1) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system security risk assessments; (ii) determining appropriate by the head of each agency whether the risks identified in the agency system security risk assessments performed under subsection (a)(1)(A), including an analysis of the agency’s cybersecurity and incident response capabilities using the metrics established under section 11331(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c));

“(C) summarizes the evaluation and implementation plans described in subparagraphs (F) and (G) of subsection (a)(1) and whether those evaluation and implementation plans call for the use of additional cybersecurity procedures determined to be appropriate by the agency; and

“(D) shall be, to the greatest extent practicable, in an unclassified and otherwise publicly available, including information that, if disclosed, may cause grave harm to the efforts of Federal information security officers to take appropriate actions to protect the confidentiality and integrity of information, including safeguarding the information from public disclosure.

“(2) PRIORITIES.—The guidance developed under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

“(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

“(A) specific information system incidents; or

“(B) specific information system vulnerabilities.”;

(F) in subsection (g)—

(i) in subparagraph (A), as so redesignated, by striking “as determined by the agency; and” and inserting “as determined by the agency, considering—

“(I) the agency risk assessment performed under subsection (a)(1)(A); and

“(II) determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(o)(1) of title 40; and

“(III) by redesignating clauses (i) and (iv) as clauses (iv) and (v), respectively; and

(bb) by inserting after clause (ii) the following:

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

“(B) specific information system vulnerabilities.”;

(G) by striking subsection (j) and inserting—

“(J) GUIDANCE.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices.

“(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

“(A) the most common threat patterns experienced by each agency; and

“(B) the security controls that address the threat patterns described in subparagraph (A); and

“(C) any other security risks unique to the networks of each agency.”;

(S) in section 3556(a)(1), by inserting “within the Cybersecurity and Infrastructure Security Agency” after “incident center”;

(D) in paragraph (4), by striking “3554(b)” and inserting “3554(a)(1)(A)”;

(D) CONFORMING AMENDMENTS.—

“(A) in the section heading, by striking “ANNUAL INDEPENDENT” and inserting “INDEPENDENT”;

“(B) in subsection (a)—

(1) in paragraph (1), by inserting ‘‘during which a report is required to be submitted under section 3553(c),’’ after ‘‘Each year’’;

(ii) in paragraph (2)(A), by inserting ‘‘the cybersecurity posture of the agency,’’ after ‘‘information systems’’;

(C) in subsection (b)(1), by striking ‘‘annual’’;

(D) in subsection (e)(1), by inserting ‘‘during which a report is required to be submitted under section 3553(c),’’ after ‘‘Each year’’;

(E) by striking subsection (f) and inserting the following:

“(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers shall take appropriate steps to protect the confidentiality and integrity of information, including safeguarding the information from public disclosure.

“(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

“(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

“(A) specific information system incidents; or

“(B) specific information system vulnerabilities.”;

(F) in subsection (g) (2) by striking “as determined by the agency; and” and inserting “as determined by the agency, considering—

“(I) the agency risk assessment performed under subsection (a)(1)(A); and

“(II) determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(o)(1) of title 40; and

“(III) by redesigning clauses (i) and (iv) as clauses (iv) and (v), respectively; and

(bb) by inserting after clause (ii) the following:

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

“(B) specific information system vulnerabilities.”;

(G) by striking subsection (j) and inserting—

“(J) GUIDANCE.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices.

“(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

“(A) the most common threat patterns experienced by each agency; and

“(B) the security controls that address the threat patterns described in subparagraph (A); and

“(C) any other security risks unique to the networks of each agency.”;

(S) in section 3556(a)(1), by inserting “within the Cybersecurity and Infrastructure Security Agency” after “incident center”;

(D) in paragraph (4), by striking “3554(b)” and inserting “3554(a)(1)(A)”;

(D) CONFORMING AMENDMENTS.—

“(A) in the section heading, by striking “ANNUAL INDEPENDENT” and inserting “INDEPENDENT”;

“(B) in subsection (a)—

(1) in paragraph (1), by inserting ‘‘during which a report is required to be submitted under section 3553(c),’’ after ‘‘Each year’’;

(ii) in paragraph (2)(A), by inserting ‘‘the cybersecurity posture of the agency,’’ after ‘‘information systems’’;

(C) in subsection (b)(1), by striking ‘‘annual’’;

(D) in subsection (e)(1), by inserting ‘‘during which a report is required to be submitted under section 3553(c),’’ after ‘‘Each year’’;

(E) by striking subsection (f) and inserting the following:

“(f) PROTECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers shall take appropriate steps to protect the confidentiality and integrity of information, including safeguarding the information from public disclosure.

“(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

“(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

“(A) specific information system incidents; or

“(B) specific information system vulnerabilities.”;

(F) in subsection (g) (2) by striking “as determined by the agency; and” and inserting “as determined by the agency, considering—

“(I) the agency risk assessment performed under subsection (a)(1)(A); and

“(II) determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(o)(1) of title 40; and

“(III) by redesigning clauses (i) and (iv) as clauses (iv) and (v), respectively; and

(bb) by inserting after clause (ii) the following:

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

“(B) specific information system vulnerabilities.”;

(G) by striking subsection (j) and inserting—

“(J) GUIDANCE.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices.

“(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

“(A) the most common threat patterns experienced by each agency; and

“(B) the security controls that address the threat patterns described in subparagraph (A); and

“(C) any other security risks unique to the networks of each agency.”;

(S) in section 3556(a)(1), by inserting “within the Cybersecurity and Infrastructure Security Agency” after “incident center”;

(D) in paragraph (4), by striking “3554(b)” and inserting “3554(a)(1)(A)”;

(D) CONFORMING AMENDMENTS.—
(1) **TABLE OF SECTIONS.**—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by striking the item relating to section 3550 as appearing in the table of sections for chapter 35 of title 44, United States Code; and

(B) by striking the item relating to section 3555 and inserting the following:

‘‘3555. Independent evaluation.’’

(2) **OMB REPORTS.**—Section 223(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1523(c)) is amended—

(A) in paragraph (1)(B), in the matter preceding clause (ii) by striking ‘‘subparagraph (a)’’ and inserting ‘‘subparagraph (a)’’; and

(B) in paragraph (2)(B), in the matter preceding clause (i)—

(i) by striking ‘‘annually thereafter’’ and inserting ‘‘thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code’’; and

(ii) by striking ‘‘the report required under section 3553(c) of title 44, United States Code’’ and inserting ‘‘that report’’.

(3) **NIST RESPONSIBILITIES.**—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 278g-3(d)(3)(B)) is amended by striking ‘‘annual’’.

(4) **FEDERAL SYSTEM INCIDENT RESPONSE.**—

(A) in chapter 35 of title 44, United States Code, is amended by adding at the end the following:

‘‘SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE’’

‘‘§ 3591. Definitions

(a) IN GENERAL.—Except as provided in subsection (b), the definitions under sections 3591 and 3592 shall apply to this subchapter.

(b) APPROPRIATE DEFINITIONS.—As used in this subchapter:

(1) **APPROPRIATE REPORTING ENTITIES.**—The term ‘‘appropriate reporting entities’’ means—

(A) the majority and minority leaders of the Senate;

(B) the Speaker and minority leader of the House of Representatives;

(C) the Committee on Homeland Security and Governmental Affairs of the Senate;

(D) the Oversight and Reform Committee of the House of Representatives;

(E) the Committee on Homeland Security of the House of Representatives;

(F) the appropriate subcommittee and appropriations committees of Congress;

(G) the Director;

(H) the Director of the Cybersecurity and Infrastructure Security Agency;

(I) the National Cyber Director;

(J) the Comptroller General of the United States; and

(K) the inspector general of any impacted agency.

(2) **AWARDEE.**—The term ‘‘awardee’’—

(A) means a person, business, or other entity that receives a grant from, or is a party to a cooperative agreement or an other transaction agreement with, an agency; and

(B) includes any grantee of a person, business, or other entity described in subparagraph (A).

(3) **BREACH.**—The term ‘‘breach’’ means—

(A) a compromise of the security, confidentiality, or integrity of data in electronic form that results in unauthorized access to, or an acquisition of, personal information; or

(B) the loss of personally identifiable information affected by breaches that are not determined by the head of the agency to be of sufficiently low risk of exposure.

(4) **CONTRACTOR.**—The term ‘‘contractor’’ means—

(A) a prime contractor of an agency or a subcontractor of a prime contractor of an agency;

(B) any person or business that collects or maintains information, including personally identifiable information, on behalf of an agency;

(5) **FEDERAL INFORMATION.**—The term ‘‘Federal information’’ means information created, collected, processed, maintained, authenticated, disposed of by, or under the control of, an agency, a contractor, an awardee, or another organization on behalf of an agency.

(6) **INTELLIGENCE COMMUNITY.**—The term ‘‘intelligence community’’ has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(7) **NATIONAL SECURITY.**—The term ‘‘national security’’ includes relevant contact information for Federal law enforcement agencies and each nationwide consumer reporting agency; and

(8) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

(c) **DELAY OF NOTIFICATION.**—

(1) **IN GENERAL.**—The Attorney General, the Director of National Intelligence, or the Director of Homeland Security may delay a notification required under subsection (a) if the notification would—

(A) impede a criminal investigation or a national security activity;

(B) reveal sensitive sources and methods;

(C) cause damage to national security; or

(D) hamper security remediation actions.

(2) **EXEMPTION FROM NOTIFICATION.** —(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

(C) FORM.—The report required under subparagraph (A) shall be a classified but may include a classified annex.

(3) **RENEWAL.**—A delay under paragraph (1) shall be for a period of 60 days and may be renewed—

(4) **UPDATE NOTIFICATION.**—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to impacted individuals as described in subsection (a), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to consider that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

(1) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

(A) the nature and sensitivity of the personally identifiable information affected by the breach;

(B) the likelihood of access to and use of the personally identifiable information affected by the breach;

(C) the type of breach; and

(D) any other factors determined by the Director; and

(2) as appropriate, provide written notice in accordance with subsection (b) to each individual potentially affected by the breach—

(A) to the last known mailing address of the individual; or

(B) through an appropriate alternative method, as determined by the head of the agency or a designated senior-level individual of the agency selects based on factors determined by the Director.

(b) **NOTIFICATION.**—Each notice of a breach provided to an individual under subsection (a)(2) shall include—

(1) a brief description of the rationale for the determination that notice should be provided under subsection (a); and

(2) if possible, a description of the types of personally identifiable information affected by the breach;

(3) contact information of the agency that may be used to ask questions of the agency, which—

(A) shall include an e-mail address or another digital contact mechanism; and

(B) may include a telephone number or a website;

(4) information on any remedy being offered by the agency;

(5) any applicable educational materials relating to what individuals can do in response to the breach that potentially affected by breaches that are not determined to be major incidents; or

""(6) any other appropriate information, as determined by the head of the agency or established in guidance by the Director.

""(c) **DELAY OF NOTIFICATION.**—

(1) **IN GENERAL.**—The Attorney General, the Director of National Intelligence, or the Director of Homeland Security may delay a notification required under subsection (a) if the notification would—

(A) impede a criminal investigation or a national security activity;

(B) reveal sensitive sources and methods;

(C) cause damage to national security; or

(D) hamper security remediation actions.

(2) **EXEMPTION FROM NOTIFICATION.** —(A) IN GENERAL.—Any delay under paragraph (1) shall be reported in writing to the Director, the Attorney General, the Director of National Intelligence, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the head of the agency and the inspector general of the agency that experienced the breach.

(B) CONTENTS.—A report required under subparagraph (A) shall include a written statement from the entity that delayed the notification explaining the need for the delay.

(C) FORM.—The report required under subparagraph (A) shall be a classified but may include a classified annex.

(3) **RENEWAL.**—A delay under paragraph (1) shall be for a period of 60 days and may be renewed—

(4) **UPDATE NOTIFICATION.**—If an agency determines there is a significant change in the reasonable basis to conclude that a breach occurred, a significant change to the determination made under subsection (a)(1), or that it is necessary to update the details of the information provided to impacted individuals as described in subsection (a), the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after such a determination, notify each individual who received a notification pursuant to subsection (a) of those changes.

(e) **EXEMPTION FROM NOTIFICATION.** —(1) **IN GENERAL.**—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements of a) if the information affected by the breach is determined by an independent evaluation to be unreadable, including, as appropriate, information which the information is—

(A) encrypted; and

(B) by the Director of the Cybersecurity and Infrastructure Security Agency to be of sufficiently low risk of exposure.

(2) **APPROVAL.**—The Director shall determine whether to grant an exemption requested under paragraph (1) in consultation with—

(A) the Director of the Cybersecurity and Infrastructure Security Agency; and

(B) the Attorney General.

(3) **DOCUMENTATION.**—Any exemption granted by the Director under paragraph (1) shall be reported in writing to the head of the agency and the inspector general of the agency that experienced the breach and the Director of the Cybersecurity and Infrastructure Security Agency.

(b) **NATIONAL SECURITY.**—Nothing in this section shall be construed to limit—

(1) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

""(2) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or

""(2) the Director from issuing guidance relating to notifications or the head of an agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or
“(2) the Director from issuing guidance relating to notifications of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by breaches.

§3593. Congressional and Executive Branch reports

(a) INITIAL REPORT.—

(1) IN GENERAL.—Not later than 72 hours after an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency impacted by the major incident shall prepare an initial report and to the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—

(A) the information known at the time of the report;

(B) the sensitivity of the details associated with the major incident; and

(C) the classification level of the information contained therein.

(2) CONTENTS.—A report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personal identification information and to the extent permitted by applicable law, including privacy and statistical laws—

(A) a summary of the information available at the time of the incident, including how the major incident occurred, information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report;

(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and

(C) if applicable, an assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report.

(b) IN GENERAL REPORT.—Within a reasonable amount of time, but not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates on the major incident and, to the extent practicable, provide a briefing to the congressional committees described in subsection (a)(1), including summaries of—

(1) vulnerabilities, means by which the major incident occurred, and impacts to the agency resulting from the incident;

(2) any risk assessment and subsequent risk-based security implementation of the affected information system before the date on which the incident occurred;

(3) the status of compliance of the affected information system with applicable security requirements at the time of the major incident;

(4) an estimate of the number of individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

(5) an assessment of the risk of harm to individuals potentially affected by the major incident based on information available to agency officials as of the date on which the agency provides the update;

(6) an update to the assessment of the risk to agency operations, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update; and

(7) the detection, response, and remediation actions of the agency, including any support provided by the Cybersecurity and Infrastructure Security Agency under section 3594(d) and status updates on the notification process under section 3592, including any delay or exemption described in subsection (c) or (e), respectively, of section 3592, if applicable.

(c) UPDATE REPORT.—If the agency determines that there is any significant change in the understanding of the agency of the scope, scale, or consequence of a major incident for which an agency submitted a written report under subsection (a), the agency shall provide an updated report to the appropriate reporting entities in a manner that includes a description of the affected systems or networks;

(d) ANNUAL REPORT.—Each agency shall submit as part of the annual report required under section 3595(a)(1) of this title a description of each major incident that occurred during the 1-year period preceding the date on which the report is submitted.

(e) DELAY AND EXEMPTION REPORT.—

(1) IN GENERAL.—The Director shall submit to the appropriate notification entities an annual report describing any delays and exemptions granted pursuant to subsections (c) and (d) of section 3592.

(2) COMPONENTS OF OTHER REPORT.—The Director may include a classified component.

(f) REPORT TO CONTRACTORS.—A written report required to be submitted under this section may be submitted in a paper or electronic format.

(g) THREAT BRIEFING.—

(1) IN GENERAL.—Not later than 7 days after the date on which an agency has a reasonable basis to conclude that a major incident occurred, the head of the agency, jointly with the National Cyber Director and any other Federal entity determined appropriate by the National Cyber Director, shall provide the contractor or awardee and any other party that conducted the major incident occurred; and

(2) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit the ability of an agency to provide additional reports or briefings to Congress;

(h) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit—

(1) the ability of an agency to provide additional reports or briefings to Congress; or

(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

§3594. Government information sharing and incident response

(a) IN GENERAL.—

(1) INCIDENT REPORTING.—The head of each agency shall provide any information relating to any incident, whether the information is obtained by the Federal Government directly or indirectly, to the Cybersecurity and Infrastructure Security Agency and the Office of Management and Budget.

(2) CONTENTS.—A provision of information relating to an incident made by the head of an agency under paragraph (1) shall—

(A) include detailed information about the safeguards that were in place when the incident occurred;

(B) include with the incident report implemented the safeguards described in subparagraph (A) correctly;

(C) in order to protect against a similar incident, identify—

(i) how the safeguards described in subparagraph (A) should be implemented differently; and

(ii) additional necessary safeguards; and

(D) include information to aid in incident response, such as—

(i) a description of the affected systems or networks;

(ii) the estimated dates of when the incident occurred; and

(iii) information that could reasonably help identify the party that conducted the incident.

(3) INFORMATION SHARING.—To the greatest extent practicable, the Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

(4) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about incidents that occur on national security systems with the Director of the Cybersecurity and Infrastructure Security Agency to the extent consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President.

(5) COMPLIANCE.—Any information provided under subsection (a) shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director.

(b) INCIDENT RESPONSE.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information systems, regardless of the form, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—

(1) incident response and recovery; and

(2) recommendations for mitigating future incidents.

§3595. Responsibilities of contractors and awardees

(a) NOTIFICATION.—

(1) IN GENERAL.—Unless otherwise specified in a contract, grant, cooperative agreement, or other transaction agreement, any contractor or awardee of an agency shall provide the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to conclude that—

(A) an incident or breach has occurred with respect to Federal information collected, created, maintained, or obtained in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee;

(B) an incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or

(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee.
"(2) PROCEDURES.—

(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

(B) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less frequently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and other Federal agencies as appropriate, shall submit to the appropriate notification entity that includes—

(1) a summary of causes of incidents from across the Federal Government that categorizes those incidents as major incidents or minor incidents;

(2) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

(A) a specific analysis of breaches; and

(B) an analysis of the Federal Government’s performance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

(3) an annex for each agency that includes—

(A) a description of each major incident;

(B) the total number of compromises of the agency; and

(C) an analysis of the agency’s performance against the metrics established under subsection 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(C) CERTIFICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

(D) INFORMATION PROVIDED BY AGENCIES.—

(1) IN GENERAL.—The analysis required under subsection (a) and each report submitted under subsection (b) shall use information provided by agencies under section 3594(a).

(2) NONCOMPLIANCE REPORTS.—

(A) IN GENERAL.—Subject to subparagraph (B), during any year during which the head of an agency does not provide data for an incident to the Cybersecurity and Infrastructure Security Agency in accordance with section 3594(a), the head of the agency, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the Director, shall submit to the appropriate reporting entities a report that includes—

(i) data for the incident; and

(ii) the information described in subsection (b) with respect to the agency.

(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under subparagraph (A).

(3) NATIONAL SECURITY SYSTEM REPORTS.—

(A) IN GENERAL.—Annually, the head of an agency that operates or exercises control of a national security system shall submit a report that includes the information described in subsection (b) with respect to the agency to the extent that the submission is consistent with standards and guidelines for national security systems issued in accordance with law and as directed by the President to—

(i) the majority and minority leaders of the Senate, 

(ii) the Speaker and minority leader of the House of Representatives; 

(iii) the committee on Homeland Security and Governmental Affairs of the Senate;

(iv) the Select Committee on Intelligence of the Senate;

(v) the committee on Armed Services of the Senate;

(vi) the Committee on Appropriations of the Senate;

(vii) the Committee on Oversight and Reform of the House of Representatives;

(viii) the Select Committee on Homeland Security of the House of Representatives;

(ix) the Permanent Select Committee on Intelligence of the House of Representatives; 

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

(xi) the Committee on Appropriations of the House of Representatives.

(B) CLASSIFIED FORM.—A report required under subparagraph (a) may be submitted in a classified form.

(5) REQUIREMENT FOR COMPILING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that the identity of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the Inspector General of the agency.

§ 3598. MAJOR INCIDENT DEFINITION

(1) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2020, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promulgate guidance on the definition of the term ‘major incident’ for the purposes of subchapter II and this subchapter.

(C) REQUIREMENTS.—In determining the extent to which the guidance issued under subsection (a), the definition of the term ‘major incident’ shall—

(i) include, with respect to any information collected or maintained by or on behalf of an agency or an information system used or operated by an agency or by a contractor of an agency or another organization on behalf of an agency—

(A) any incident the head of the agency determines is likely to have an impact on—

(i) the national security, homeland security, or economic security of the United States; or

(ii) the civil liberties or public health and safety of the people of the United States;

(B) any incident the head of the agency determines likely to result in an inability for the agency, a component of the agency, or the Federal Government, to provide 1 or more critical services;

(C) any incident that the head of an agency, in consultation with a senior privacy officer of the agency, determines is likely to have a significant privacy impact on 1 or more individuals;

(D) any incident that the head of the agency, in consultation with a senior privacy officer of the agency, determines is likely to have a substantial privacy impact on a significant number of individuals;

(E) any incident the head of the agency determines impacts the operations of a high value asset owned or operated by the agency;

(F) any incident involving the exposure of sensitive agency information to a foreign entity;

(G) any incident involving the exposure of information regarding the actions of the executive branch; or

(H) any other incident the head of the agency, in consultation with the Director, determines is likely to have a significant privacy impact on a significant number of individuals; or

(i) any incident the head of the agency determines impacts the operations of a high value asset owned or operated by the agency;
(2) stipulate that the National Cyber Director shall declare a major incident at each agency impacted by an incident if the Director of the Cybersecurity and Infrastructure Security Agency determines that an incident—

(A) occurs at not less than 2 agencies; and

(B) is enabled by—

(i) a software or hardware root cause, such as a supply chain compromise, a common software or hardware vulnerability; or

(ii) the related activities of a common threat actor; and

(3) stipulate that, in determining whether an incident constitutes a major incident because that incident—

(A) any incident described in paragraph (1), the head of an agency shall consult with the Director of the Cybersecurity and Infrastructure Security Agency;

(B) is an incident described in paragraph (1)(A), the head of the agency shall consult with the National Cyber Director; and

(C) is an incident described in subparagraph (C) or (D) of paragraph (1), the head of the agency shall consult with—

(i) the Privacy and Civil Liberties Oversight Board; and

(ii) the Chair of the Federal Trade Commission.

(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act (2022), and less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

(1) an update, if necessary, to the guidance issued under subsection (a); and

(2) the definition of the term "major incident" included in the guidance issued under subsection (a); and

(3) an explanation of, and an analysis that led to, the definition described in paragraph (2).''

(2) CHERIAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE"

3591. Definitions.

3592. Notification of breach.

3593. Congressional and Executive Branch reports.

3594. Government information sharing and incident response.

3595. Responsibilities of contractors and awardees.

3596. Training.


3598. Major incident definition.

SEC. 812. ADDITIONS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 1301 note) is amended—

(1) in section 1307(b)—

(A) paragraph 5(A), by inserting "improving the cybersecurity of systems and" before "cost savings activities"; and

(B) in paragraph 7—

(i) in the paragraph heading, by striking "cio" and inserting "cio";

(ii) by striking "in evaluating projects" and inserting "in assessing projects";

(iii) in subparagraph (A), as so designated, by striking "section 1994(b)(1)" and inserting "by the Director"; and

(iv) by adding at the end the following:

"B) CONSULTATION.—In using funds under paragraph (3) of section 1994 of title 31, the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate;

(C) in subsection (a)(1)—

(i) by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3522 of title 44, United States Code.

(3) SIGNIFICANT NUMBER OF INDIVIDUALS.—

(i) the Privacy and Civil Liberties Oversight Board; and

(ii) the Chair of the Federal Trade Commission.

(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act (2022), and less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

(1) an update, if necessary, to the guidance issued under subsection (a); and

(2) the definition of the term "major incident" included in the guidance issued under subsection (a); and

(3) an explanation of, and an analysis that led to, the definition described in paragraph (2).''

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(A) paragraph 5(A), by inserting "improving the cybersecurity of systems and" before "cost savings activities"; and

(B) in paragraph 7—

(i) in the paragraph heading, by striking "cio" and inserting "cio";

(ii) by striking "in evaluating projects" and inserting "in assessing projects";

(iii) in subparagraph (A), as so designated, by striking "section 1994(b)(1)" and inserting "by the Director"; and

(iv) by adding at the end the following:

"(B) CONSULTATION.—In using funds under paragraph (3) of section 1994 of title 31, the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate;

(C) in subsection (a)(1)—

(i) by striking subsection (a) and inserting the following:

"(a) DEFINITIONS.—In this section:

(1) AGENCY.—The term 'agency' has the meaning given the term in section 551 of title 5, United States Code.

(2) HIGH VALUE ASSET.—The term 'high value asset' has the meaning given the term in section 3522 of title 44, United States Code.

(3) SIGNIFICANT NUMBER OF INDIVIDUALS.—

(i) the Privacy and Civil Liberties Oversight Board; and

(ii) the Chair of the Federal Trade Commission.

(c) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act (2022), and less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

(1) an update, if necessary, to the guidance issued under subsection (a); and

(2) the definition of the term "major incident" included in the guidance issued under subsection (a); and

(3) an explanation of, and an analysis that led to, the definition described in paragraph (2).''

(2) CHERIAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding at the end the following:

"SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE"

3591. Definitions.

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3595. Responsibilities of contractors and awardees.

3596. Training.


3598. Major incident definition.?
provisions of those applicable standards
made compulsory and binding by the Direc-
tor; and
(2) to the greatest extent practicable and if the
agency determines that the
requirements described in subparagraph (A)
are necessary, employ those standards.
(2) EVALUATION OF MORE STRINGENT STAND-
ARDS. — The agency shall conduct a
more stringent standards under paragraph (1),
the head of an agency shall consider
available risk information, such as
(A) vulnerability assessments performed under section 3559A of title 44; and
(ii) information from the vulnerability
disclosure program established under section
3559B of title 44; and
(E) threat hunting results under
section 5145 of the Federal Information Security
Modernization Act of 2021;
(F) enable the non-Federal cyber threat
intelligence;
(G) data on compliance with standards
issued under this section;
(H) the report on the risk assessments
performed under section 3554(a)(1)(A) of title 44; and
(i) any other information determined rele-
vant by the head of the agency.
(3) IN GENERAL.—Not less frequently than once every 2 years, on the con-
tent, timeliness, and format of the informa-
tion required by this division, to provide informa-
tion to the Director, in consultation with the
Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber
Director, the Comptroller General of the United States, and the Council of the Inspectors General on Integrity and Efficiency.
(4) CONGRESSIONAL BRIEFING.—Not later than 180 days after the date of enactment of this Act, the Director
shall provide to the Committee on Oversight
and Reform of the House of Representatives
and the Senate and the Committee on Home-
security, the Administrator of General Services,
the National Institute of Standards and
Technology, and the heads of other agencies determined
appropriate by the Director, in coordination with the Secretary of Defense, the Administrator of General Services,
and the heads of other agencies determined
appropriate by the Director, shall issue guid-
dance or policy to agencies determined
appropriate by the Director, based on the
results of the review.
(3) PUBLIC REPORT.—Not later than 30 days after the date on which a review is
completed under paragraph (1), the Director
and the Cybersecurity and Infrastructure Security Agency shall
make publicly available a report that in-
cludes
(A) an overview of the guidance and pol-
cy promulgated under this section that is
currently in effect;
(B) the cybersecurity risk mitigation,
or other cybersecurity benefit, offered by each
agency; specifications to enable the automated
verification of the implementation
of the controls within the standard.

SEC. 5122. ACTIONS TO ENHANCE FEDERAL INCI-
DENT DATA SHARING.
(a) RESPONSIBILITIES OF THE CYBERSECURITY AND INFRASTRUCTURE SECURITY AGENCY.—
(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the
Director of the Cybersecurity and Infrastructure Security Agency shall
prepare, in consultation with the Director of the National Institute of Standards
and Technology, a plan for the development of
(2) INCIDENT DATA SHARING.—By not later than 1 year after the date of enactment of this Act, the
Director of the Cybersecurity and Infrastructure Security Agency shall
provide to the appropriate congressional committees a briefing on—
(A) the execution of the plan required
under paragraph (1); and
(B) the development of the report required
under section 3597(b) of title 44, United States
Code, as added by this division,
(c) a summary of the guidance or policy
to which changes were determined appro-
priate during the review and what the
changes are anticipated to include;
(d) the impact of incidents;
(e) the effectiveness of the implementation
of this Act, to provide informa-
tion to other agencies experiencing inci-
dents;
(f) the use of automated and machine-readable
data for data sharing and availability.
(3) GUIDANCE ON RESPONDING TO INFORMA-
TION REQUESTS.—Not later than 1 year after the date of enactment of this Act, the
Director shall provide to the appropriate congres-
sional committees a briefing on—
(A) the execution of the plan required
under paragraph (1); and
(B) the development of the report required
under section 3597(b) of title 44, United States
Code, as added by this division.
(5) CONTRACTOR AND Awardee GUIDANCE.—
(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the
Director, in consultation with the Secretary of Homeland Security, the Secretary of
Defense, the Administrator of General Services,
and the heads of other agencies determined
appropriate by the Director, shall issue guid-
dance or policy to agencies determined
appropriate by the Director, shall issue guid-
dance or policy to agencies determined
appropriate under subsection (c) through (f) as subsections (b) through (e), re-
spectively.
(2) INCIDENT DATA SHARING.—(A) IN GENERAL.—The Director shall de-
develop guidance, to be updated not less fre-
quently than once every 2 years, on the con-
tent, timeliness, and format of the informa-
tion required by this division, to provide informa-
tion to the Director, in consultation with the
Chief Information Officers Council, the Director of the Cybersecurity and Infra-
structure Security Agency, and the heads of other agencies determined
appropriate by the Director, shall issue guidance or policy to agencies determined
appropriate by the Director, based on the
results of the review.
(b) RESPONSIBILITIES OF THE DIRECTOR OF
THE OFFICE OF MANAGEMENT AND BUDGET.—
(1) FISMA.—Section 2 of the Federal Infor-

mation Security Act of 2014
(44 U.S.C. 3545 note) is amended—
(A) by striking subsection (b); and
(B) by redesigning subsections (c) through (f) as subsections (b) through (e), re-
respectively.
(c) UPDATE TO THE PRIVACY ACT OF 1974.—Section 552(a)(1) of title 5, United States Code (commonly known as the “Privacy Act of 1974”) is amended—

(1) in paragraph (1), by striking “or” at the end;

(2) in paragraph (12), by striking the period at the end and inserting “; or”;

and

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

“(13) to another agency in furtherance of a response to an incident (as defined in section 3552 of title 44) and pursuant to the information sharing requirements in section 3554(a)(1)(A) of title 44, United States Code, as amended by this division; and

(14) to another agency to the extent permitted by the Cybersecurity and Infrastructure Security Agency to the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 356(c)(6), United States Code, for every agency to retain, for a period determined to be appropriate by the Director, in a machine-readable data form the status of each remedial action under section 3552 of title 44 if the head of the requesting agency has made a written request to the agency that maintains the record specifying the particular portion desired and the activity for which the record is sought.

SEC. 5124. ADDITIONAL GUIDANCE TO AGENCIES ON PISMA UPDATES.

Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance for agencies on—

(1) performing the ongoing and continuous system risk assessment program required under section 3554(a)(1)(A) of title 44, United States Code, as amended by this division, to the Director and the Cybersecurity and Infrastructure Security Agency using automation and machine-readable data, as practical, which shall include—

(A) specific guidance for the use of automation and machine-readable data; and

(B) templates for providing the status of the remedial action;

(2) including the definition of “high value asset” under section 3552 of title 44, United States Code, as amended by this division; and

(3) a requirement to coordinate with inspectors general of agencies to ensure consistent understanding and application of agency policies for the purpose of evaluations described in paragraph (1).

(a) DEFINITIONS.—In this section:

(1) REPORTING ENTITY.—The term “reporting entity” means a state government, territory, governmental subdivision, or any other entity as determined to be appropriate by the Director in guidance issued under subsection (b).

(b) GUIDANCE ON NOTIFICATION OF REPORTING ENTITIES.—Not later than 180 days after the date of enactment of this Act, the Director shall issue guidance requiring the head of each agency to notify a reporting entity of—

(1) the confidentiality or integrity of sensitive information submitted by the reporting entity to the agency pursuant to a statutory or regulatory requirement; or

(2) the agency information system or systems used in the transmission or storage of the sensitive information described in paragraph (1).

TITLE LII—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. MOBILE SECURITY STANDARDS.

Not later than 1 year after the date of enactment of this Act, the Director shall—

(1) evaluate mobile application security guidance promulgated by the Director; and

(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—

(1) a requirement, pursuant to section 356(c)(6), United States Code, for every agency to maintain a continuous inventory of every—

(A) mobile device operated by or on behalf of the agency; and

(B) vulnerability identified by the agency associated with a mobile device; and

(2) a requirement for every agency to perform and document the evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on their mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

(d) BRIEFING.—Not later than 60 days after the date on which the Director issues guidance under subsection (b)(2), the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall provide the appropriate congressional committees a briefing on the guidance.

SEC. 5142. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.

(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not later than 2 years thereafter, the Director of Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall submit to the Director recommendations on requirements for logging events on agency systems and retaining other relevant data within the systems and networks of an agency.

(b) CONTENTS.—The recommendations provided under subsection (a) shall include—

(1) the types of logs to be maintained;

(2) the time periods to retain the logs and other relevant data; and

(3) the time periods for agencies to enable recommended logging and security requirements.

(c) REQUIREMENTS TO ENSURE THAT—

(1) the confidentiality, integrity, and availability of logs;

(2) requirements to ensure that, upon request, in a manner that excludes or otherwise reasonably protects personally identifiable information, and to the extent permitted by applicable law (including privacy and statistical laws), agencies provide logs to—

(A) the Director of the Cybersecurity and Infrastructure Security Agency for a cybersecurity purpose; and

(B) the Federal Bureau of Investigation to investigate potential criminal activity; and

(3) the relevant data protection requirements, the highest level security operations center of each agency has visibility into all agency logs.

(d) GUIDANCE.—Not later than 90 days after receiving the recommendations submitted under subsection (a), the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the Attorney General, shall, as determined by the Director, in a machine-readable data form, update guidance to agencies regarding requirements for logging, log retention, log management, sharing of log data with other appropriate agencies, or any other logging activity determined to be appropriate by the Director.

SEC. 5143. CISA AGENCY ADVISORS.

(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign not less than one cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—

(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;

(2) performing risk assessments of agency systems; and

(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The duties of each advisor assigned under subsection (a) shall include—

(1) providing ongoing assistance and advice, as requested, to the agency Chief Information Officer;

(2) acting as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and

(3) familiarizing themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agencies.

SEC. 5144. FEDERAL PENETRATION TESTING POLICY.

(a) IN GENERAL.—Subchapter II of chapter 3 of title 44, United States Code, is amended by adding at the end the following:

“§ 3559A. Federal penetration testing

“(a) DEFINITIONS.—In this section:

“(1) AGENCY OPERATIONAL PLAN.—The term ‘agency operational plan’ means a plan of an agency for the use of penetration testing.

“(2) RULES OF ENGAGEMENT.—The term ‘rules of engagement’ means a set of rules established by an agency for the use of penetration testing.

“(b) GUIDANCE.—

“(1) IN GENERAL.—The Director shall issue guidance that—

“(A) requires agencies to use, when and where appropriate, penetration testing on agency systems; and

“(B) requires agencies to develop an agency operational plan and rules of engagement that meet the requirements under subsection (c).

“(2) PENETRATION TESTING GUIDANCE.—The guidance issued under this section shall—

“(i) a shared service of the agency or another agency; or

“(ii) an external entity, such as a vendor; and

“(B) require agencies to provide the rules of engagement and results of penetration testing to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, without regard to the status of the entity that performs the penetration testing.

“(c) AGENCY PLANS AND RULES OF ENGAGEMENT.—The agency operational plan and rules of engagement of an agency shall—

“(1) provide a rule that—

“(A) perform penetration testing on the high value assets of the agency; or
“(B) coordinate with the Director of the Cybersecurity and Infrastructure Security Agency to ensure that penetration testing is being performed;”

“(2) developed guidance for avoiding, as a result of penetration testing—

“(A) adverse impacts to the operations of the agency;

“(B) adverse impacts to operational environments and systems of the agency; and

“(C) inappropriate access to data;

“(3) require the results of penetration testing to be shared with the Director and the Director of the Cybersecurity and Infrastructure Security Agency.

“(d) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

“(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes minimum quality controls for penetration testing;

“(2) develop operational guidance for instituting penetration testing programs at agencies;

“(3) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and

“(4) provide guidance to agencies on the best use of penetration testing resources.

“(e) RESPONSIBILITIES OF OMB.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—

“(1) assess frequently than annually, inventory all Federal penetration testing assets; and

“(2) develop and maintain a standardized process for the use of penetration testing.

“(f) PRIORITIZATION OF PENETRATION TESTING RESOURCES.—

“(1) IN GENERAL.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.

“(2) CONSIDERATIONS.—In developing the framework under this subsection, the Director shall consider—

“(A) the agency systems risk assessments performed under section 3554(a)(1)(A);

“(B) the Federal risk assessment performed under section 3553(i); and

“(C) the analysis of Federal incident data performed under section 3507.;

“(D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

“(g) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The guidance issued under subsection (b) shall not apply to national security systems.

“(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director described in subsection (b) shall be delegated—

“(1) to the Secretary of Defense in the case of systems described in section 3553(e)(2); and

“(2) to the Director of National Intelligence in the case of systems described in 3553(e)(3).”.

“(b) DEADLINE FOR GUIDANCE.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.

“(2) PLAN.—Not later than 180 days after the date of enactment of this Act, the Director shall establish the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—

“(A) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;

“(B) provide on-premises support to agencies;

“(C) staff threat hunting services;

“(D) allocate available human and financial resources to implement the plan; and

“(E) provide input to the heads of agencies on the use of—

“(i) more stringent standards under section 11333(c)(1) of title 44, United States Code; and

“(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.

“(b) REPORTS.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—

“(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;

“(2) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services under the program under subsection (a)(1), a report describing any updates to the plan developed under subsection (a)(2); and

“(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency begins providing threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

“SEC. 5146. CODIFYING VULNERABILITY DISCLOSURE PROGRAMS.

“(a) IN GENERAL.—Chapter 35 of title 44, United States Code, is amended by inserting after section 3559A, as added by section 5144 of this division, the following:

“§ 3559B. Federal vulnerability disclosure programs

“(a) DEFINITIONS.—In this section—

“(1) The term ‘report’ means a vulnerability disclosure made to an agency by a reporter.

“(2) REPORTER.—The term ‘reporter’ means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.

“(3) VULNERABILITY.—The term ‘vulnerability’ means an instance in which the cyber system or systems in the agency has a vulnerability.

“(4) RECENTLY DISCLOSED.—The term ‘recently disclosed’ means an instance where a vulnerability was recently disclosed.

“(b) RESPONSIBILITIES OF FEDERAL AGENCIES.—

“(1) LIMITATION ON LEGAL ACTION.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts a security research activity that the head of the agency determines—

“(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and

“(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).

“(2) SHARING INFORMATION WITH CISA.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Directorate, shall issue guidance to agencies on sharing relevant information in a consistent, automated, and machine-readable manner with the Cybersecurity and Infrastructure Security Agency, including—

“(A) any valid or credible reports of newly discovered vulnerabilities (including misconfigurations) on Federal information systems that use commercial software or services;

“(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—

“(I) with which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency can assist;

“(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and

“(C) any other information with respect to which the head of the agency determines helpful or necessary to involve the Cybersecurity and Infrastructure Security Agency.

“(3) VULNERABILITY DISCLOSURE POLICIES.—The Director shall issue guidance to agencies on the required minimum scope of agency systems covered by the vulnerability disclosure policy of an agency required under subsection (d)(2).

“(4) RESPONSIBILITIES OF CISA.—The Director of the Cybersecurity and Infrastructure Security Agency shall—

“(1) provide support to agencies with respect to the implementation of the requirements of this section;

“(2) develop tools, processes, and other mechanisms determined appropriate to offer agencies capabilities to implement the requirements of this section; and

“(3) upon a request by an agency, assist the agency in the disclosure to vendors of newly identified vulnerabilities in vendor products and services.

“(4) RESPONSIBILITIES OF AGENCIES.—

“(1) PUBLIC INFORMATION.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security system—

“(A) an appropriate security contact; and

“(B) the component of the agency that is responsible for the internet accessible services offered at the domain.

“(2) VULNERABILITY DISCLOSURE POLICY.—The head of each agency shall establish and make publicly available a vulnerability disclosure policy for the agency, which shall—

“(A) describe—

“(i) the scope of the systems of the agency included in the vulnerability disclosure policy;
(ii) the type of information system testing that is authorized by the agency;
(iii) the type of information system testing that is not authorized by the agency; and
(iv) the detailed policy of the agency for sensitive information;

(B) with respect to a report to an agency, describe—

(i) how the reporter should submit the report; and

(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

(C) include any other relevant information; and

(D) be mature in scope, to cover all Federal information systems used or operated by that agency or on behalf of that agency.

(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

(e) PAPERWORK REDUCTION ACT EXEMPTION.—The requirements of subsection (i) (commonly known as the Paperwork Reduction Act) shall apply to a vulnerability disclosure program established under this section.

(f) CONGRESSIONAL REPORTING.—Not later than 180 days after the date of enactment of this Act, the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, the Director shall submit to the appropriate congressional committees a report on the implementation of this section, the term "covered metrics," and the progress of agency compliance with this section.

(g) EXEMPTIONS.—The authorities and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security systems.

(h) DELEGATION OF AUTHORITY FOR CERTAIN ACTIVITIES.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

(1) to the Secretary of Defense in the case of systems described in section 5504(a)(2); and

(2) to the Director of National Intelligence in the case of systems described in section 5504(a)(3).

(1) CERemonial Amendment.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3550A, as added by section 204, the following:

"3550B. Federal vulnerability disclosure programs."

SEC. 5147. IMPLEMENTING PRESUMPTION OF COMPROMISE AND LEAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from "trusted networks" to implement security controls based on a presumption of compromise;

(2) implementing least privilege principles in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems; and

(4) identifying incidents quickly;

(5) isolating and removing unauthorized entities from agency systems quickly;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful;

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 1 year after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 5148. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the utility of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capability trends.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall perform a study on the use of automation under paragraphs (1), (5)(C) and (8)(B) of section 3554(b) of title 44, United States Code.

(c) IMPLEMENTATION.—

(1) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(A) by redesignating subparagraph (A) as subparagraph (B); and

(B) by redesignating subparagraph (B) as subparagraph (A).

(2) USE OF METRICS.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of the covered metrics by agencies.

(d) CONGRESSIONAL REPORTS.—

(1) DISCUSSION.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the use of the covered metrics by agencies.

(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1), the metrics shall—

(A) be a dashboard of open information that is publicly available;

(B) include any other relevant information; and

(C) be available to the public on the internet.

SEC. 5149. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking "the date that the Federal Government for cybersecurity pur-poses, including the automated updating of cybersecurity tools, sensors, or processes by agencies under paragraph (5) of section 3554(b) of title 44, United States Code; and" and inserting "the date that the Federal Government for cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies under paragraph (5) of section 3554(b) of title 44, United States Code; and"

SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking "and" at the end of paragraph (A), (B), (C), and (D); and

(2) by redesignating subparagraph (D) as subparagraph (E).

(1) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App.) is amended—

(1) by striking "and" at the end of paragraph (A), (B), (C), and (D); and

(2) by redesignating subparagraph (D) as subparagraph (E).

(b) CLERICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3550A, as added by section 204, the following:

"3550B. Federal vulnerability disclosure programs."

SEC. 5151. QUANTITATIVE CYBERSECURITY METRICS.

(a) DEFINITION OF COVERED METRICS.—In this section, the term "covered metrics" means the metrics that require cybersecurity agencies to establish, review, and update under section 3554(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(b) UPDATING AND ESTABLISHING METRICS.—Not later than 1 year after the date of enactment of this Act, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies established under section 3554 of title 44, United States Code.

(c) IMPROVED METRICS.—Not later than 180 days after the date on which guidance is promulgated under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.

Title LIII—Risk-Based Budget Model

SEC. 5151. DEFINITIONS.

In this title—

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term "appropriate congressional committees" means—
SEC. 5122. ESTABLISHMENT OF RISK-BASED BUDGET MODEL.

(a) IN GENERAL.—

(1) MODEL.—Not later than 1 year after the first publication of the budget submitted by the President under section 1105 of title 31, United States Code, following the date of enactment of this Act, the Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director and in coordination with the Director of the National Institute of Standards and Technology, shall develop a standard model for creating a risk-based budget for cybersecurity spending.

(2) ASSESSMENT.—Section 3553(c) of title 44, United States Code, as amended by section 5111, is further amended by inserting after paragraph (3) the following:

“(4) I NFORMATION TECHNOLOGY.—The term ‘information technology’—

(A) has the meaning given the term in section 1105 of title 44, United States Code; and

(B) includes the hardware and software systems of a Federal agency that monitor and control the hardware and processes of the Federal agency.

(5) RISK-BASED BUDGET.—The term ‘risk-based budget’ means a budget—

(A) developed by identifying and prioritizing cybersecurity risks and vulnerabilities, including impact on agency operations in the case of a cyber attack, through analysis of cyber threat intelligence, incident data, and tactics, techniques, procedures, and capabilities of cyber threats and tools;

(B) that allocates resources based on the risks identified and prioritized under subparagraph (A).

SEC. 5123. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) PURPOSE.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operations center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) PLAN.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal cyber security operations center shared service offering within the Department of Homeland Security.

(c) CONTENTS.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required—

(199x762)
under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with such agencies to offer a cybersecurity center established under subsection (c).

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d)(1).

(2) REPORT.—Not later than 90 days after the date on which first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

DIVISION F—CYBER INCIDENT REPORTING ACT OF 2021

TITLE LXI—CYBER INCIDENT REPORTING ACT OF 2021

SEC. 6101. SHORT TITLE.

This title may be cited as the “Cyber Incident Reporting Act of 2021”.

SEC. 6102. DEFINITIONS.

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CENTER.—The terms “covered cyber incident”, “covered entity”, and “center” have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 6103 of this title.

(2) DIRECTOR.—The term “Director” means the Director of the Cybersecurity and Infrastructure Security Agency.

(3) INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms “information system”, “ransom payment”, “ransomware attack”, and “security vulnerability” have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 6103 of this title.

(4) SERVICE.—The term “service” means—

(A) any Federal contractor; or

(B) any entity that holds a Federal Government contract or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, that holds a Federal Government contract or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, unless that entity is a party to only—

(A) a service contract to provide housekeeping or custodial services; or

(B) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor regulation.

(5) CYBER INCIDENT.—The term “cyber incident” means a business, nonprofit organization, or other private sector entity that has Federal Government contract or subcontract to provide products or services at any tier; or

(6) CYBER THREAT.—The term “cyber threat” means—

(A) a has the meaning given the term “cybersecurity threat” in section 2200; and

(B) does not include any activity related to good faith security research, including participation in a bug-bounty program or a vulnerability disclosure program.

(7) FEDERAL CONTRACTOR.—The term “Federal contractor” means a business, nonprofit organization, or other private sector entity that holds a Federal Government contract or subcontract at any tier; or

(8) FEDERAL ENTITY; INFORMATION SYSTEM; SECURITY CONTROL.—The terms “Federal entity”, “information system”, and “security control” have the meanings given those terms in section 2200 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(9) SIGNIFICANT CYBER INCIDENT.—The term “significant cyber incident” means a cybersecurity incident or group of related cybersecurity incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign policy interests of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

(10) Sectors.—The term “sector” means—

(A) the term “small organization”.

(11) a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); or

(12) any nonprofit organization, including faith-based organizations and houses of worship, and any group of related nonprofits or any group of related cybersecurity incidents, that the Secretary determines is likely to result in demonstrable harm to the national security interests, foreign policy interests of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined in section 2200) submitted by covered entities and contractors, and

(14) receiving and analyzing reports related to ransom payments submitted by entities in furtherance of the activities specified in sections 2202(e), 2203, and 2231, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.

(2) by adding at the end the following:

“Subtitle C—Cyber Incident Reporting

SEC. 2230. DEFINITIONS.

“(a) ACTIVITIES.—The Center shall—

(1) receive, aggregate, analyze, and secure, using processes consistent with the purposes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other cybersecurity purposes, including to prevent or mitigate similar incidents in the future; and

(2) identify and disseminate ways to prevent or mitigate similar incidents in the future;

(3) collect and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies; and

(4) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers;

(5) establish mechanisms to receive feedback from stakeholders on how the Agency and other voluntarily provided information;

(6) facilitate the timely sharing, on a voluntary basis, between industry infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to identifying cyber security vulnerabilities and identify and disseminate ways to prevent or mitigate similar incidents in the future;

(7) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that satisfy the definition of a significant cyber incident, conduct a review of the details surrounding the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

(8) with respect to covered cyber incident reports under section 2232(a) and 2233 involving an activity of the threat or security vulnerability, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defense of the Director, in coordination with other divisions within the Agency, as appropriate;

(9) publish quarterly, in a classified form, information contained in the briefings required under subsection (c);
"(10) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on ransomware attacks to support key operations to identify, track, and seize ransom payments utilizing virtual currencies, to the greatest extent practicable;"

"(11) in a manner that enables and strengthens security research carried out by academic institutions and other private sector organizations, to the greatest extent practicable;"

"(12) in a manner that, at a minimum, requires the occurrence of—"

"(i) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;"

"(ii) a disruption of business or industrial operations due to a cyber incident; or"

"(iii) an occurrence described in clause (i) or (ii) due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or a third-party data hosting provider or by a supply chain compromise;"

"(B) procedures. — Any subsequent rules issued under paragraph (A) shall provide for sharing information under subsection (a)(13) and (B) on—"

"(i) the sophistication and novelty of the threat; and"

"(ii) the types of cyber incidents, which shall—"

"(I) include a summary of the known uses of the information in reports submitted under sections 2232 and 2233; and"

"(II) be unclassified, but may include a classified annex.

SEC. 2232. REQUIRED REPORTING OF CERTAIN CYBER INCIDENTS.

(a) In General.—

"(1) COVERAGE.—A covered entity shall report any occurrence of a cyber incident or ransom payment to the Director not later than 72 hours after the covered entity reasonably believes that the covered cyber incident has occurred.

"(2) Ransom payment reports.—An entity, including a covered entity and except for an individual or a small organization, that makes a ransom payment as the result of a ransomware attack against the entity shall report the payment to the Director not later than 72 hours after the ransom payment has been made.

"(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update or supplement to a previously submitted covered cyber incident report if new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report.

"(4) PRESERVATION OF INFORMATION.—Any entity subject to requirements of paragraphs (1), (2), or (3) shall apply to parts 229 and 249 of title 17, Code of Federal Regulations, or any subsequent document submitted to the Securities and Exchange Commission by entities experiencing cyber incidents and compare such disclosures to reports received by the Center; and

"(5) EXCEPTIONS.—

"(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered cyber incident includes a ransom payment that is not reported by the entity, including a covered entity, pursuant to paragraphs (1) and (2) apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

"(B) SUBSTANTIALLY SIMILAR REPORTED INFORMATION.—The requirements under paragraphs (1) and (2) shall not apply to an entity required by law, regulation, or contract to report substantially similar information to another Federal agency within a substantially similar timeframe.

"(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2), and (3) shall not apply to an entity that is the domain name of an entity that the Director determines constitutes critical infrastructure owned, operated, or controlled by the Federal government or a critical national capability or organization that develop, implement, and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

"(6) MANNER, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), or (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

"(7) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

(b) Rulemaking.—

"(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 72 hours after the date of enactment of this section, the Director, in consultation with Sector Risk Management Agencies, the Department of Justice, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a).

"(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking, the Director shall issue a final rule to implement subsection (a).

"(3) SUBSEQUENT RULEMAKINGS.—

"(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

"(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, with the issuance of a notice of proposed rulemaking under section 553 of that title.

"(C) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

"(i) A clear description of the types of entities that constitute covered entities, based on—"

"(I) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

"(II) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and"

"(III) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cyber infrastructure or penetration testing tools or techniques, will likely enable the disruption of the reliable operation of critical infrastructure;

"(ii) a clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—"

"(I) at a minimum, require the occurrence of—"

"(I) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;"

"(ii) a disruption of business or industrial operations due to a cyber incident; or"

"(iii) an occurrence described in clause (I) or (II) due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or a third-party data hosting provider or by a supply chain compromise;"

"(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and"

"(C) exclude—"

"(i) any event where the cyber incident is perpetuated by good faith security research or in response to an invitation by the owner or operator of the information system for the purposes of finding vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and"

"(ii) the threat of disruption as extortion, as described in section 2201(9)(A).

"(3) A requirement that, if a covered cyber incident or a ransom payment occurs following an exempted threat, the entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.
"(A) A description of the covered cyber incident, including—
   (i) identification and a description of the function of the affected information systems, networks, or services that were, or are reasonably believed to have been, affected by such incident;
   (ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;
   (iii) an estimated date range of such incident; and
   (iv) the impact to the operations of the covered entity.

(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the covered cyber incident.

(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such incident.

(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been, accessed or acquired by an unauthorized person.

(E) The name and other information that clearly identifies the entity impacted by the covered cyber incident.

(F) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the covered entity or authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

(G) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment:
   (i) a description of the ransomware attack, including the estimated date range of the attack.
   (ii) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.
   (iii) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.
   (iv) The name and other information that clearly identifies the entity that made the ransom payment.

(H) Additional information, such as telephone number or electronic mail address, that the Center may use to contact the entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

(I) The date of the ransom payment.

(J) The ransom payment demand, including the type of virtual currency or other commodity requested, if applicable.

(K) The ransom payment instructions, including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form.

(L) The Agency to carry out the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2234(c), and other aspects of noncompliance.

(M) Implementing the exceptions provided in subsection (a)(5); and

(N) Protecting privacy and civil liberties consistent with processes adopted pursuant to section 186(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)), and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or information that identifies a specific individual that is not directly related to a cybersecurity threat.

(9) A clear description of the types of entities that constitute other private sector entities for purposes of section 2232(b)(7).

(10) The information sharing and analysis organization, a covered entity, or an authorized agent of such covered entity, that is required to submit a report under section 2232(a).

(11) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

(12) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

(13) An overview of the steps taken under section 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

(14) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

(15) An overview of the privacy and civil liberties requirements in this subtitle.

(16) Coordination—in the conducting the outreach and education campaign required under paragraph (1), the Director may collaborate with—
   (A) the Critical Infrastructure Partnership Advisory Council established under section 671.
   (B) Information sharing and analysis organizations;
   (C) trade associations;
   (D) Information sharing and analysis centers;
   (E) Sector coordinating councils; and
   (F) Any other entity as determined appropriate by the Director.

(17) Organization of reports.—Notwithstanding chapter 33 of title 44, United States Code (commonly known as the ‘‘Paperwork Reduction Act’’), the Director may request information, within the scope of section 2232(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

(18) Voluntary Provision of Additional Information in Required Reports.—Entities may voluntarily include in reports required under paragraphs (1), (2), or (3) of section 2232(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

(19) Application of Protections.—The protections under section 2232 applicable to covered cyber incident reports shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).

SEC. 2234. NONCOMPLIANCE WITH REQUIRED REPORTING.

(a) Purpose.—In the event that an entity that is required to submit a report under section 2232(a) fails to comply with the requirement to report, the Director may obtain information about the incident or ransom payment from the duty to comply with such entity directly if he requests information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, obtain a subpoena to the entity, pursuant to subsection (c), to gather information sufficient to determine whether a
covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

(d) Actions by Attorney General and Federal Regulatory Agencies—

(1) shall not be considered to be valid by the recipient of such subpoena.

(2) a cybersecurity purpose; or

(3) a specific threat of serious bodily harm, or a specific threat of serious economic harm, including a terrorist act or use of a weapon of mass destruction;

(3) the purpose of preventing, investigating, prosecuting, or otherwise prohibiting a violation of law by a minor, including sexual exploitation and threats to physical safety; or

(4) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

SEC. 2235. INFORMATION SHARED WITH OR PROTECTED IN A CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to section 2232 or 2233 or any of the offenses listed in section 105(d)(5)(A)(v) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(d)(5)(A)(v)).

SEC. 2235. INFORMATION SHARED WITH OR PROTECTED IN A CYBER THREAT INDICATORS.—Upon receiving a covered cyber incident or ransom payment report submitted pursuant to this section, the center shall immediately review the report to determine whether the incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, anonymized cyber threat indicators and defensive measures.

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from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the 'Freedom of Information Act') and any State, Tribal, or local provision of law requiring disclosure of information or records.

“(d) EX PARTE COMMUNICATIONS.—The submission of a report to the Agency under section 2231(b) of title 5, United States Code (commonly known as the 'Freedom of Information Act') (commonly known as the 'Freedom of Information Act') shall be exempt from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’).

“(g) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency under section 2231(b) of title 5, United States Code (commonly known as the ‘Freedom of Information Act’), to the extent practicable, pursuant to this subtitle or any communication, document, material, or other record, or the Agency.

“(h) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

“(i) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

“(j) REPORTER INFORMATION.—Information contained in a report submitted to the Director as soon as possible, to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may notify the owner of the information system. Nothing in this section shall be construed to provide additional regulatory authority to any Federal entity.

“(k) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Attorney General, the National Cyber Incident Reporting Council, and the Director of the Office of Management and Budget, to the maximum extent practicable—

“(1) periodically review existing regulatory requirements, including the information reporting requirements of other entities and ensure that any such reporting requirements and procedures avoid conflicting duplicative, or burdensome requirements; and

“(2) coordinate with the Director, the Attorney General, and regulatory authorities that have requirements relating to cyber incidents to identify opportunities to streamline reporting processes, and where feasible, facilitate interagency agreements between such authorities. Any such report, consistent with applicable law and policy, without impacting the ability of such agencies to gain timely situational awareness of a covered cyber incident or ransom payment.

**SEC. 6105. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.**

“(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerability.

“(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

“(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

“(2) utilize existing authorities to identify Federal and other relevant information systems that contain the security vulnerabilities identified in paragraph (1).

“(c) ENTITY NOTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may notify the owner of the information system.

“(d) PREVENTION ACTION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director shall prioritize covered entities for identification and notification activities.

“(e) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of notice of a security vulnerability made pursuant to subsection (c).

“(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

**SEC. 6106. RANSOMWARE THREAT MITIGATION ACTIVITIES.**

“(a) JOINT RANSOMWARE TASK FORCE.—

“(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in consultation with the Attorney General, and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware
Task Force to coordinate an ongoing nationwide campaign against ransomware attacks, and identify and pursue opportunities for international cooperation.

(2) SHARED OPERATIONS.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating agency, shall coordinate across the Federal Government the following activities:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors.

(B) Consult with relevant private sector, State, local, Tribal, and territorial government entities and international stakeholders to identify needs and establish mechanisms for providing input into the Task Force.

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, in order to facilitate—

(i) prioritization for Federal action by appropriate agencies; and

(ii) metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances.

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that result in failures and improvements.

(H) Any other activities determined appropriate by the task force to mitigate the threat of ransomware attacks against Federal and non-Federal entities.

(b) CLARIFYING PRIVATE SECTOR LAWFUL DEFENSIVE MEASURES.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in coordination with the Secretary of Homeland Security and the Attorney General, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Committee on Oversight and Reform of the House of Representatives, homeland security, and the Title IX of division U of Public Law 116–260.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing the process identified to respond to ransomware attacks and what laws need to be clarified to enable that action.

(d) IN GENERAL.—Not later than 180 days after the date on which the National Cyber Director convenes the Council described in section 1752(c)(1)(H) of the Homeland Security Act of 2002, as added by section 6103(a) of this title, the National Cyber Director shall submit to the committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the effectiveness of the ensemble mechanisms within section 2234 of the Homeland Security Act of 2002, as added by section 6103 of this title.

TITLES XLI—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

SEC. 6201. REDesignations.

(a) IN GENERAL.—Subtitle A of title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) by redesignating section 2217 (6 U.S.C. 665c) as section 2218;

(2) by redesignating section 2218 (6 U.S.C. 665d) as section 2219;

(b) TECHNICAL AND CONFORMING AMENDMENTS.—Section 2202(c) of the Homeland Security Act of 2002 (6 U.S.C. 652(c)) is amended—

(1) in paragraph (1), by striking ‘‘and’’ at the end;

(2) in the first paragraph (12)—

(A) by striking ‘‘section 2215’’ and inserting ‘‘section 2217’’;

(B) by striking ‘‘and’’ at the end;

(c) ADDITIONAL TECHNICAL AMENDMENT.—

(1) AMENDMENT.—Section 904(b)(1) of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260) is amended, in the matter preceding paragraph (4), by striking ‘‘the Homeland Security Act’’ and inserting ‘‘the Homeland Security Act of 2002’’.

(2) EFFECTIVE DATE.—The amendment made by this paragraph (1) shall take effect as if enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).
S8488

CONGRESSIONAL RECORD — SENATE
November 18, 2021

SEC. 6203. CONSOLIDATION OF DEFINITIONS.

(a) IN GENERAL.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651) is amended by inserting before the subtitle A heading of the section the following:

"SEC. 2200. DEFINITIONS."

Except as otherwise specifically provided, in this title:

(1) AGENCY.—The term ‘agency’ means the Department of Homeland Security and the National Telecommunications and Information Administration.

(2) AGENCY INFORMATION.—The term ‘agency information’ means information collected or maintained by or on behalf of an agency.

(3) AGENCY INFORMATION SYSTEM.—The term ‘agency information system’ means an information system which is owned or operated, by or on behalf of an agency or by another entity on behalf of an agency.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘appropriate congressional committees’ means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security and Governmental Affairs of the House of Representatives.

(5) CLOUD SERVICE PROVIDER.—The term ‘cloud service provider’ means an entity offering computing services related to cloud computing, as defined by the National Institute of Standards and Technology in NIST Special Publication 800-145 and any amending or superseding document relating thereto.

(6) CRITICAL INFRASTRUCTURE INFORMATION.—The term ‘critical infrastructure information’ means information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including—

(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B) the ability of any critical infrastructure or protected system to resist such interference, compromise, or incapacitation, including any planned or past assessment, projection of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereof, risk management planning, or risk audits;

(C) any planned or past operational problem or solution regarding critical infrastructure or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference, compromise, or incapacitation;

(D) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ means information that is necessary to describe or identify—

(A) malicious reconnaisance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) a method of causing a user with legitimate access to an information system or information to believe that he or she is accessing an unsecured system or information, by processing by, or transiting an information system to unwittingly enable the defeat of a security control or exploitation of a security vulnerability; or

(E) malicious command and control;

(F) the actual or potential harm caused by an incident, including a description of the information exfiltrated as a result of a particular cybersecurity threat;

(G) any actual or potential cybersecurity threat, if disclosure of such attribute is not otherwise prohibited by law; or

(H) any combination thereof.

(8) CYBERSECURITY RISK.—The term ‘cybersecurity risk’ means—

(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism, and

(B) does not include any action that solely involves a violation of a consumer term of service or a consumer agreement.

(10) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘cybersecurity threat’ means a measure protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored, processed by, or transiting an information system.

(B) EXCLUSION.—The term ‘cybersecurity threat’ does not include any action that solely involves a violation of a consumer term of service or a consumer agreement.

(11) DEFENSIVE MEASURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘defensive measure’ means an action, device, procedure, signature, technique, or other measure applied to an information system or information system component that is intended to protect an information system that detects, prevents, or mitigates a known or suspected cybersecurity threat or security vulnerability.

(B) EXCLUSION.—The term ‘defensive measure’ does not include a measure that degrades, renders unusable, or otherwise interferes with, an information system or information that is stored, processed by, or transiting such information system.

(19) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term ‘national cybersecurity asset response activities’ means—

(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity threats, including organizations seeking to mitigate vulnerabilities, and reduce impacts of cyber incidents;

(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

(C) assessing potential cybersecurity risk to a sector or region including potential cascading effects, and developing courses of action to mitigate such risks;

(D) facilitating information sharing and operational coordination with threat response; and

(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

(20) NATIONAL SECURITY SYSTEM.—The term ‘national security system’ has the meaning given the term in section 11103 of title 44, United States Code.

(21) RANSOM PAYMENT.—The term ‘ransom payment’ means the transmission of any money, property or asset, including virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

(22) RANSOMWARE ATTACK.—The term ‘ransomware attack’ means—

(A) means a cyber incident that includes the payment of ransomware to an entity, including the transmission of ransomware attacks, or malicious code on an information system, or the use or threat of use of another digital formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cyber security risks and incidents, and protected systems, so as to ensure the availability, integrity, and reliability thereof;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, or respond to the effects of a interference, compromise, or an incapacitation problem related to critical infrastructure, including cybersecurity risks and incidents, or protected systems; and

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).
mechanism such as a denial of service attack, to intercept or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronically stored information, or in processing or transmitting an information system to extort a demand for a ransom payment; and

(B) does not include any such event where the determination is made by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to identify vulnerabilities in the information system.

"(22) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ means the entity designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector in the all hazards environment in coordination with the Department.

"(24) SECURITY CONTROL.—The term ‘security control’ means the management, operational, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

"(25) SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

"(26) SHARING.—The term ‘sharing’ (including all conjugations thereof) means providing, receiving, and disseminating (including all conjugations of each such terms).

"(27) SUPPLY CHAIN COMPROMISE.—The term ‘supply chain compromise’ means a cyber incident within the supply chain of an information technology advisory can leverage to jeopardize the confidentiality, integrity, or availability of the information technology system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

"(28) VIRTUAL CURRENCY.—The term ‘virtual currency’ means the digital representation of value acting as a medium of exchange, a unit of account, or a store of value.

"(29) VIRTUAL CURRENCY ADDRESS.—The term ‘virtual currency address’ means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) by amending section 2201 to read as follows:

SEC. 2201. DEFINITION.

In this subtitle, the term ‘Cybersecurity Advisory Committee’ means the advisory committee established under section 2219(a).

(2) in section 2221 (6 U.S.C. 1501 note),

(A) in subsection (a)(1), by striking ‘‘in this subtitle referred to as the ‘Agency’’;

(B) by redesigning subsections (b) through (o) as subsections (a) through (n), respectively;

(C) in subsection (c)(1)—

(i) in subparagraph (A)(ii), by striking ‘‘as the ‘Executive Assistant Director’’;

(ii) in subparagraph (B), by inserting ‘‘as the ‘Executive Assistant Director’’;

(iii) in subparagraph (C), by striking ‘‘as the ‘Executive Assistant Director’’;

(3) in section 2203 (6 U.S.C. 1503),

(B) by redesigning subsection (a) as follows:

(D) in subsection (b)(1), by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(4) in section 2204(a)(2),

(B) by striking at the end of section 2204 (6 U.S.C. 1504), as amended by section 2213(a)(1) of the Homeland Security Act of 2002, as so redesignated.

(5) in section 2209—

(A) by striking subsection (a);

(B) by redesigning subsections (b) through (o) as subsections (a) through (n), respectively;

(C) in subsection (c)(1)—

(i) in subparagraph (A)(ii), as so redesignated, by striking ‘‘as the term is defined in section 2222(5)’’ and inserting ‘‘as defined in section 2222(5)’’;

(ii) in subparagraph (B), by striking ‘‘as the term is defined in section 2222(5)’’ and inserting ‘‘as defined in section 2222(5)’’;

(6) in section 2210—

(A) by striking subsection (a);

(B) by redesigning subsections (b) through (d) as subsections (a) through (c), respectively;

(C) in subsection (b), as so redesignated—

(i) by striking ‘‘information sharing and analysis organizations (as defined in section 2222(5))’’ and inserting ‘‘Information Sharing and Analysis Organizations’’; and

(ii) in paragraph (3), by striking ‘‘subsection (c)(2)’’ and inserting ‘‘subsection (c)(1)’’;

(7) in section 2211, by striking subsection (h);

(8) in section 2212, by striking ‘‘information sharing and analysis organizations (as defined in section 2222(5))’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(9) in section 2213—

(A) by striking subsection (a);

(B) by redesigning subsections (b) through (f) as subsections (a) through (e), respectively;

(C) in subsection (b), as so redesignated, by striking ‘‘subsection (c)’’ and inserting ‘‘subsection (b)’’;

(D) in subsection (c), as so redesignated, in the matter preceding paragraph (1), by striking ‘‘subsection (b)’’ and inserting ‘‘subsection (b)’’; and

(10) in section 2216, as so redesignated—

(A) by striking subsection (a); and

(B) by redesigning subsection (b) and inserting the following:

(1) by striking paragraphs (4) through (7) and inserting the following:

(11) in section 2218(c)(4)(A), as so redesignated, by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(12) in section 2222—

(A) by redesigning paragraphs (3), (5), and (8); and

(B) by redesigning paragraph (4) as paragraphs (3) and (5); and

(13) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

Sec. 2200. Definitions.

(2) by striking the item relating to section 2201 and inserting the following:

Sec. 2201. Definitions.

(3) by striking the item relating to section 2214 and all that follows through the item relating to section 2217 and inserting the following:

Sec. 2214. National Asset Database.

Sec. 2215. Duties and responsibilities relating to .gov internet domain.

Sec. 2217. Cyber Planning Office.

Sec. 2218. Sector Risk Management Agencies.

Sec. 2219. Cybersecurity Advisory Committees.

Sec. 2220. Cybersecurity Education and Training Programs.


Sec. 2222. Sector Risk Management Agency.

Sec. 2223. Joint Cyber Planning Office.

Sec. 2224. National Intelligence Advisory.

Sec. 2225. Federal Cybersecurity Coordination Center.

Sec. 2226. Cybersecurity Management.

Sec. 2227. Cybersecurity Program.

Sec. 2228. Cybersecurity Management.

Sec. 2229. Cooperation with States and Territories.

Sec. 2230. Data Sharing.

Sec. 2231. Cybersecurity Coordination Center.

Sec. 2232. Uniform Computer Information.

Sec. 2233. Election Security.

Sec. 2234. Direction and Coordination.

Sec. 2235. Other Authorizations.

Sec. 2236. Additional Technical and Conforming Amendments.

(d) CYBERSECURITY ACT OF 2015 DEFINITIONS.—Section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501) is amended—

(1) by striking paragraphs (4) through (7) and inserting the following:

(11) by striking paragraphs (4) through (7) and inserting the following:

"(11) in section 2218(c)(4)(A), as so redesignated, by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(12) in section 2222—

(A) by redesigning paragraphs (3), (5), and (8); and

(B) by redesigning paragraph (4) as paragraphs (3) and (5); and

(13) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

"(4) CYBERSECURITY PURPOSE.—The term ‘cybersecurity purpose’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(5) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(7) DEFENSIVE MEASURE.—The term ‘defensive measure’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(8) DEFENSIVE MEASURE.—The term ‘defensive measure’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(9) DEFENSIVE MEASURE.—The term ‘defensive measure’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

"(10) in section 2216, as so redesignated—

(A) by striking subsection (a); and

(B) by redesigning subsection (b) and inserting the following:

(1) by striking paragraphs (4) through (7) and inserting the following:

(11) in section 2218(c)(4)(A), as so redesignated, by striking ‘‘information sharing and analysis organizations’’ and inserting ‘‘Information Sharing and Analysis Organizations’’;

(12) in section 2222—

(A) by redesigning paragraphs (3), (5), and (8); and

(B) by redesigning paragraph (4) as paragraphs (3) and (5); and

(13) by redesigning paragraphs (6) and (7) as paragraphs (4) and (5), respectively.

(e) CYBERDEFENSE OPERATION DEFINED.—In this section, the term ‘cyber defense operation’ means the use of a defensive measure.”;
(3) in section 226 (6 U.S.C. 1524)—
(A) in subsection (a)—
(i) in paragraph (1), by striking “section 2123” and inserting “section 2230”;
(ii) in paragraph (i)(i), by striking “section 102” and inserting “section 2220 of the Homeland Security Act of 2002’’;
(iii) in paragraph (4), by striking “section 2212(b)(1)” and inserting “section 2212(a)(1)”;
and
(iv) in paragraph (5), by striking “section 2213(b)” and inserting “section 2213(a)”;

(B) in subsection (c), by striking “section 671(5)” and inserting “section 660(5)”;

(C) in subsection (e)—
(ii) in paragraph (2), by striking “section 2215(b)” and inserting “section 2215(a)”;
(iii) in paragraph (3), by striking “section 2213(5)” and inserting “section 2213(2)”;
and
(iv) in paragraph (4), by striking “section 2212(b) (6 U.S.C. 1525(b))”, by striking “section 2213(d)(2)” and inserting “section 2213(c)(2)”; and

(D) in subsection (f), by striking “section 2220 of the Homeland Security Act of 2002 (6 U.S.C. 660(b))’’.


(6) in section 2228(b)(2) of the Federal Cybersecurity Improvement Act of 2020 (20 U.S.C. 300hh-10(b)(4)) is amended by striking “section 2228(b)(2)” of the Federal Cybersecurity Improvement Act of 2015 (6 U.S.C. 1523(b)(2)) as effective on the date of submission of the report, includes that—

(i) an identification of the particular requirement from which any agency information system or agency information stored on or transiting the agency information system;

(ii) for each requirement identified under subsection (a) and subsection (b), the head of the agency or the designee of the head of the agency has submitted the certification described in clause (i) to the appropriate congressional committees and any other congressional committee with jurisdiction over the agency; and

(iii) the Director grants the exemption from the particular requirement.

B. DURATION OF EXEMPTION.

(1) IN GENERAL.—An exemption granted under subparagraph (A) shall expire on the date that is 1 year after the date on which the Director grants the exemption.

(2) RENEWAL.—Upon the expiration of an exemption granted to an agency under subparagraph (A), the head of the agency may apply for an additional exemption.

C. EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date of the enactment of this Act.
located in an underperforming State that received a Phase I SBIR or STTR award, subject to an increase in the allocation percentage.

"(C) establish a program to make Phase 1.5 SBIR or STTR awards to small business concerns located in underperforming States in order to provide funding for 12 to 24 months to continue the development of technology; and

"(D) carry out subparagraph (C) along with other mentorship programs."

(4) The pilot program established under this subsection shall terminate 5 years after the date on which the pilot program is established.

(5) Before the Department shall submit to Congress an annual report on the status of the pilot program established under this subsection, including the improvement in funding under the SBIR and STTR programs of the Department provided to small business concerns located in underperforming States.

SEC. 1. DR. DAVID SATCHER CYBERSECURITY EDUCATION GRANT PROGRAM.

(a) SHORT TITLE.—This section may be cited as the “Cybersecurity Opportunity Act”.

(b) DEFINITIONS.—In this section:

(1) DIRECTOR.—The term “Director” means the Director of the National Institute of Standards and Technology.

(2) ENROLLMENT OF NEEDY STUDENTS.—The term “enrollment of needy students” has the meaning given the term in section 312(d) of the Higher Education Act of 1965 (20 U.S.C. 1058d).

(3) HISTORICALLY BLACK COLLEGE OR UNIVERSITY.—The term “historically Black college or university” has the meaning given the term “part B institution” as defined in section 322 of the Higher Education Act of 1965 (20 U.S.C. 1061).

(4) INSTITUTION OF HIGHER EDUCATION.—The term “institution of higher education” has the meaning given the term “institutes” has the meaning given the term in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001).


(c) AUTHORIZATION OF GRANTS.—

(1) IN GENERAL.—Subject to the availability of appropriations, the Director shall carry out the Cybersecurity Education Grant Program.

(A) awarding grants to assist institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions, to establish or expand cybersecurity curricula, to build and upgrade institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities, and to support such institutions on the path to producing qualified entrants in the cybersecurity workforce or becoming a National Center of Academic Excellence in Cybersecurity; and

(B) awarding institutional capacity to institutions of higher education that have an enrollment of needy students, historically Black colleges and universities, and minority-serving institutions to expand cybersecurity education opportunities, cybersecurity programs, cybersecurity research, and cybersecurity partnerships with public and private entities.

(2) RESERVATION.—The Director shall award not less than 50 percent of the amount available for grants under this section to historically Black colleges and universities and minority-serving institutions.

(3) COORDINATION.—The Director shall carry out this section in coordination with the Department of Homeland Security.

(4) SUNSET.—The Director’s authority to award grants under paragraphs (1) shall terminate on the date 5 years after the date the Director first awards a grant under paragraph (1).

(d) APPLICATION.—An eligible institution seeking a grant under subsection (a) shall submit an application to the Director at such time, in such manner, and containing such information as the Director may reasonably require, including a statement of how the institution will use the funds awarded through the grant to expand cybersecurity education opportunities at the eligible institution.

(e) ACTIVITIES.—An eligible institution that receives a grant under this section may use the funds awarded through such grant for increasing research, education, technical, partnership, and innovation capacity, including for—

(1) building and upgrading institutional capacity to better support new or existing cybersecurity programs, including cybersecurity partnerships with public and private entities;

(2) building and upgrading institutional capacity to provide hands-on research and training experiences for undergraduate and graduate students; and

(3) outreach and recruitment to ensure students are aware of new or existing cybersecurity career opportunities and partnerships with public and private entities.

(f) REPORTING REQUIREMENTS.—Not later than—

(1) 1 year after the effective date of this section, as provided in subsection (b), and annually thereafter until the Director submits the report under paragraph (2), the Director shall prepare and submit to Congress a report on the status and progress of implementation of the grant programs established under this section, including on the number and nature of institutions participating, the number and nature of students served by institutions receiving grants, the level of funding provided to grant recipients, the types of activities being funded by the grants program, and plans for future implementation and development; and

(2) 5 years after the effective date of this section, as provided in subsection (b), the Director shall prepare and submit to Congress a report on the status of the grant programs established under this section, including changes in the scale and scope of the programs, associated facilities, or in accreditation status, and on the educational and employment outcomes of students participating in cybersecurity programs that have received support under this section.

(g) PERFORMANCE METRICS.—The Director shall establish performance metrics for grants awarded under this section.

(h) EFFECTIVE DATE.—This section shall take effect 1 year after the date of enactment of this Act.

SEC. 2. M.S. DUCKWORTH (for herself, Mr. KELLY, Ms. HIRONO, Ms. ROSEN, Mr. BENNET, Mr. HENRICH, Mr. MORAN, Mr. YOUNG, Mrs. FEINSTEIN, Mrs. GILLIBRAND, Mr. KING, Mrs. SHAHEEN, Ms. KLOBUCHAR, Mr. DURBIN, Mr. REED, Ms. CORTEZ MASTO, Mr. ROUNDS, Mr. SCOTT of South Carolina, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 4867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; was agreed to, and ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1218. AFGHANISTAN WAR COMMISSION ACT OF 2021.

(a) SHORT TITLE.—This section may be cited as the “Afghanistan War Commission Act of 2021”.

(b) DEFINITIONS.—In this section:

(1) APPLICABLE PERIOD.—The term “applicable period” means the period beginning June 1, 2001, and ending August 30, 2021.

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services of the Senate;

(B) the Committee on Foreign Relations of the Senate;

(C) the Select Committee on Intelligence of the Senate;

(D) the Committee on Appropriations of the Senate;

(E) the Committee on Armed Services of the House of Representatives;

(F) the Committee on Foreign Affairs of the House of Representatives; and

(G) the Permanent Select Committee on Intelligence of the House of Representatives.

(3) COMMISSION.—The term “intelligence community” has the meaning given that term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3003(4)).

(c) ESTABLISHMENT OF COMMISSION.—

(1) ESTABLISHMENT.—There is established in the Senate a commission to be known as the Afghanistan War Commission (in this section referred to as the “Commission”).

(2) MEMBERSHIP.—

(A) COMPOSITION.—The Commission shall be composed of 16 members of whom—

(i) 1 shall be appointed by the Chairman of the Committee on Armed Services of the Senate;

(ii) 1 shall be appointed by the ranking member of the Committee on Armed Services of the Senate;

(iii) 1 shall be appointed by the Chairman of the Committee on Armed Services of the House of Representatives;

(iv) 1 shall be appointed by the ranking member of the Committee on Armed Services of the House of Representatives;
(v) 1 shall be appointed by the Chairman of the Committee on Foreign Relations of the Senate;
(vi) 1 shall be appointed by the ranking member of the Select Committee on Intelligence of the Senate;
(vii) 1 shall be appointed by the Chairman of the Committee on Foreign Affairs of the House of Representatives;
(viii) 1 shall be appointed by the ranking member of the Committee on Foreign Affairs of the House of Representatives;
(ix) 1 shall be appointed by the Co-Chairperson of the Select Committee on Intelligence of the Senate;
(x) 1 shall be appointed by the ranking member of the Select Committee on Intelligence of the House of Representatives;
(xii) 1 shall be appointed by the ranking member of the Permanent Select Committee on Intelligence of the House of Representatives;
(xiii) 1 shall be appointed by the majority leader of the Senate;
(xiv) 1 shall be appointed by the minority leader of the Senate;
(xv) 1 shall be appointed by the Speaker of the House of Representatives; and
(xvi) 1 shall be appointed by the Majority Leader of the House of Representatives.

(B) QUALIFICATIONS.—It is the sense of Congress that each member of the Commission appointed under paragraph (a) should have significant professional experience in national security, such as a position in—
(i) the Department of Defense;
(ii) the Department of State;
(iii) the intelligence community; or
(iv) the United States Agency for International Development; or
(v) an academic or scholarly institution.

(C) PROHIBITIONS.—A member of the Commission appointed under subparagraph (a) may not—
(i) be a current member of Congress;
(ii) be a former member of Congress who served in Congress after January 3, 2001;
(iii) be a current or former registrant under the Foreign Agents Registration Act of 1938 (22 U.S.C. 611 et seq.);
(iv) have previously investigated Afghan- stan through employment in the office of a relevant inspector general;
(v) be a current or former owner or had a ma-
jority stake in a company that held any United States or coalition defense contract providing goods or services to activities by the United States Government or coalition in Afghanistan during the applicable period; or
(vi) have served, with direct involvement in actions by the United States Government in Afghanistan during the time the relevant official served, as—
(I) a cabinet secretary or national security adviser; or
(II) a four-star flag officer, Under Secre-
tary, or more senior official in the Depart-
ment of Defense or the Department of State.

(D) DUTIES OF COMMISSION.—The Commission shall—
(I) conduct a thorough study of all matters re-
lating to combat operations, reconstruction and security force assistance activities, in-
telligence operations, and diplomatic activi-
ties of the United States pertaining to the
operations of the Special Inspector General for Afghanistan Reconstruction (SIGAR) or any other relevant inspector general or the Government Accountability Of-
fice, including through the use of overclassi-
fication; and
(II) A DDENDA.—Any member of the Com-
mission shall submit to the appropriate con-
gressional committees a report describing the progress of the activities of the Com-
mission as of the date of such report, including any findings, recommendations, or lessons learned endorsed by the Commission.

(2) REPORT REQUIRED.—
(A) IN GENERAL.—
(I) ANNUAL REPORT.—
(I) IN GENERAL.—

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forth the separate views of such member with respect to any matter considered by the Commission.

(III) BRIEFING.—On the date of the submission of its annual report, the Commission shall brief Congress.

(II) FINAL REPORT.—

(I) SUBMISSION.—Not later than 3 years after the date of the initial meeting of the Commission, the Commission shall submit to Congress a report that contains a detailed statement of the findings, recommendations, and lessons learned endorsed by the Commission.

(II) ADDENDA.—Any member of the Commission, or the Commission or an alloy of its members shall expeditiously forward the separate views of such member with respect to any matter considered by the Commission.

(III) EXTENSION.—The Commission may submit the report required under subclause (I) setting forth the separate views of such member without reimbursement to the chairperson and ranking member of each of the appropriate congressional committees.

(B) FORMAL REPORT required by paragraph (1)(B) shall be submitted and publicly released on a Government website in unclassified form but may contain a classified annex.

(C) SUBSEQUENT REPORTS on declassification—

(1) IN GENERAL.—Not later than 4 years after the date that the report required by subparagraph (A)(ii) is submitted, each relevant agency of jurisdiction shall submit to the committee of jurisdiction a report on the efforts of such agency to declassify such annex.

(ii) CONTENTS.—Each report required by clause (i) shall include—

(A) A list of the items in the classified annex that are working to declassify at the time of the report and an estimate of the timeline for declassification of such items;

(B) A broad description of items in the annex that the agency is declining to declassify at the time of the report;

(C) Any justification for withholding declassification of certain items in the annex and an estimate of the timeline for declassification of such items;

(D) POWERS OF COMMISSION.—

(i) HEARINGS.—The Commission may hold such hearings as are necessary to receive such evidence as the Commission considers necessary to carry out its purpose and functions under this section.

(ii) ASSISTANCE FROM FEDERAL AGENCIES.—

(A) INFORMATION.—

(i) IN GENERAL.—The Commission may se- cure directly from a Federal department or agency such information as the Commission considers necessary to carry out this section.

(ii) FURNISHING INFORMATION.—Upon re- ceipt of a written request by the Co-Chair- person of the Commission, the head of the department or agency shall expeditiously furnish the information to the Commission.

(B) SPACE FOR COMMISSION.—Not later than 30 days after the date of the enactment of this Act, the Administrator of General Serv- ices, in consultation with the Commission, shall identify and make available suitable excess space within the Federal space inven- tory to house the operations of the Commission. If the Administrator of General Serv- ices is not able to make such suitable excess space available within 30 days, the Commission shall lease space from the extent that funds are available for such pur- pose.

(C) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the Federal Government.

(D) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of serv- ices, supplies, and property (including Federal Government personnel or facilities) for the purposes of aiding and facili- tating the work of the Commission. The au- thority in this subsection does not extend to gifts of money, and this authority shall be deemed to be Federal Government.
2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title X, insert the following:

**Subtitle — Veterans Matters**

**SEC. 1. EXCERPT FROM H.R. 4350, TO AUTHORIZE APPROPRIATIONS FOR THE DEPARTMENT OF VETERANS AFFAIRS, MENT FOR CERTAIN PROGRAMS OF EDUCATION CONVERTED TO DISTANCE LEARNING DUE TO THE REASON OF COVID–19 EMERGENCY.**


(b) Extension of Payment of Work-Study Allowances During Emergence Situation.—Section 3 of the Student Veterans Coronavirus Response Act of 2020 (38 U.S.C. 3679 note) is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(c) Extension of Period for Continuation of Department of Veterans Affairs Educational Assistance Benefits for Certain Programs of Education Converted to Distance Learning Due to Reason of Emergencies and Health-Related Situations.—Section 1(b) of Public Law 116–123 (38 U.S.C. 3679 note prev.) is amended by section 5202(b) of the Department of Veterans Affairs Expiring Authorities Act of 2020 (division E of Public Law 116–159), is further amended by striking "December 21, 2021," and inserting "June 1, 2022."

(d) Extension of Modification of Time Limitations on Use of Entitlement to Montgomery GI Bill and Vocational Rehabilitation.—Section 902 of the Montgomery GI Bill and Vocational Rehabilitation Act of 2018 (10 U.S.C. 1117 note) is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(e) Extension of Continuation of Department of Veterans Affairs Educational Assistance Benefits During COVID–19 Emergency.—Section 1102(e) of the Johnny Isakson and David P. Roe, M.D. Veterans Health Care and Benefits Improvement Act of 2020 (Public Law 116–135) is amended by striking "December 21, 2021," and inserting "June 1, 2022."


(g) Extension of Provision Relating to Payment of Educational Assistance in Cases of Withdrawal.—Section 3696(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(h) Extension of Provision Relating to Apprenticeship or On-Job Training Requirements.—Section 1106 of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(i) Extension of Provisions Relating to Federal Student Assistance.—Section 3679 of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(j) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(k) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(l) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(m) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(n) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(o) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(p) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(q) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(r) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(s) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(t) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(u) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(v) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(w) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(x) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(y) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(z) Extension of Provisions Relating to Certification of Educational Institutions.—Section 3679(a) of such Act is amended by striking "December 21, 2021," and inserting "June 1, 2022."

(A) by striking "Notwithstanding" and inserting "(1) Except as provided in paragraph (2), notwithstanding"; and

(B) by adding at the end the following new paragraph:

(2) "During the period beginning on March 1, 2020, and ending on June 1, 2022."

SEC. 2. MODIFICATIONS TO REQUIREMENTS FOR EDUCATIONAL INSTITUTIONS PARTICIPATING IN THE EDUCATIONAL ASSISTANCE PROGRAMS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) Waiver of Verification of Enrollment for Certain Educational Institutions.—Section 3313(b) of title 38, United States Code, is amended by adding at the end of the following paragraph:

(1) Waiver.—The Secretary may waive the requirements of this subsection for an educational institution that the Secretary has determined uses a flat tuition and fee structure that would make the use of a second verification under this subsection unnecessary.

(b) Limitations on Authority to Disapprove of Courses.—

(1) In General.—Subsection (f) of section 3679 of title 38, United States Code, is amended—

(A) in paragraph (2)(B),

(i) by inserting "except for the recruitment of foreign students residing in foreign countries who are not eligible to receive Federal student assistance" after "assistance"; and

(ii) by adding at the end the following new subparagraph:

(2) Of foreign students residing in foreign countries who are not eligible to receive Federal student assistance under the laws administered by the Secretary without regard to such conclusion, including with respect to paying any—

(1) monthly housing stipends under chapter 33 of title 38, United States Code; or

(2) payments or subsistence allowances under chapters 30, 31, 32, and 35 of such title and chapters 1606 and 1607 of title 10, United States Code.

(c) Applicability Period.—Subsection (a) shall apply during the period beginning on December 21, 2021, and ending on June 1, 2022.

(d) Definitions.—In this section:

(1) Educational Institution.—The term "educational institution" has the meaning given that term in section 3452 of title 38, United States Code, and includes an institution of higher learning (as defined in such section).

(2) Program of Education.—The term "program of education" has the meaning given that term in section 3002 of title 38, United States Code.

(3) State Approving Agency.—The term "State approving agency" has the meaning given that term in section 3671 of title 38, United States Code.

SEC. 3. BUDGETARY EFFECTS.

(a) In General.—Amounts provided to carry out the amendments made by this subtitle are designated as an emergency requirement pursuant to section 5102(a) of title 31, United States Code.

(b) Designation in Senate.—In the Senate, amounts provided to carry out the amendments made by this subtitle are designated as an emergency requirement pursuant to section 412(a) of H. Con. Res. 71 (115th Cong.), the concurrent resolution on the budget for fiscal year 2018.

SA 4806. Ms. SMITH (for herself and Mr. YOUNG) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, emergency military construction, and for defense activities of the Department of Energy, to prescribe military personnel
SEC. 01. SHORT TITLE.

This Act may be cited as the “Advancing Emergency Preparedness Through One Health Act of 2021”.

SEC. 02. FINDINGS.

Congress finds the following:

(1) The term “One Health” reflects the interconnectedness of human health, animal health, and the environment. As technology and population growth facilitate increased international travel, trade, and settlements with wildlife habitats and as international travel and trade increases, the interface between these elements will also continue to rise.

(2) When zoonotic diseases spill over to humans, there are often enormous health and economic costs. The World Bank estimates that, between 1997 and 2009, the global costs from six zoonotic outbreaks exceeded $30,000,000,000 and the Centers for Disease Control and Prevention estimates that there are annually 2,500,000,000 cases of zoonotic infections globally, resulting in 2,700,000 deaths.

(3) There are also immense effects on the agriculture sector. In 2014 and 2015, a high pathogenic avian influenza (HPAI) outbreak in the United States led to the cull of nearly 50,000,000 birds, and imposed up to approximately $3,300,000,000 in losses for poultry and egg farmers, animal feed producers, baked good production, and other related industries.

(4) Public health preparedness depends on agriculture in a variety of ways. For example, a wide range of vaccines, including those for influenza, yellow fever, rabies, and measles-mumps-rubella (MMR), are primarily cultivated in poultry eggs. Egg shortages resulting from zoonotic disease outbreaks could impose serious risks to vaccine manufacturing efforts.

(5) It is estimated that approximately 80 percent of potential pathogens likely to be used in bioterrorism or biowarfare are common among the domesticated. (6) While existing Federal Government initiatives related to One Health span multiple agencies, including the Centers for Disease Control and Prevention, the Department of Homeland Security, the Department of Health and Human Services, the Department of Interior, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Department of Agriculture, the United States Agency for International Development, the Environmental Protection Agency, the National Institutes of Health, the Department of Homeland Security, and other departments and agencies to prevent and respond to zoonotic disease outbreaks in animals and humans; and

SEC. 03. INTERAGENCY ONE HEALTH PROGRAM.

(a) IN GENERAL.—The Secretary of the Interior, the Secretary of Health and Human Services, and the Secretary of Agriculture (referred to in this title as the “Secretaries”), in coordination with the United States Agency for International Development, the Environmental Protection Agency, the Department of Defense, the Department of Commerce, and other departments and agencies as appropriate, shall develop, publish, and submit to Congress a national One Health Framework (referred to in this title as the “Framework”) for coordinated Federal activities under the One Health Program.

(b) CONTENTS OF FRAMEWORK.—The framework shall describe existing efforts and contain recommendations for building upon and complementing the activities of the Department of the Interior, the Centers for Disease Control and Prevention, the Department of Agriculture, the United States Agency for International Development, the Environmental Protection Agency, the National Institutes of Health, the Department of Homeland Security, and other departments and agencies, as appropriate, and shall—

(A) assess, identify, and describe, as appropriate, existing activities of Federal agencies and departments under the One Health Program and consider whether all relevant agencies are adequately represented;

(B) for the 18-year period beginning in the year the framework is established, establish specific Federal goals and priorities that most effectively advance—

(i) scientific understanding of the connections between human, animal, and environmental health;

(ii) coordination and collaboration between agencies involved in the framework including sharing data and information, engaging in joint fieldwork, and engaging in joint laboratory studies related to One Health;

(iii) identification of priority zoonotic diseases and priority area study;

(iv) surveillance of priority zoonotic diseases and their transmission between animals and humans;

(v) prevention of priority zoonotic diseases and their transmission between animals and humans;

(vi) protocol development to improve joint outbreak response to and recovery from zoonotic disease outbreaks in animals and humans; and

(vii) workforce development to prevent and respond to zoonotic disease outbreaks in animals and humans;

(C) describe specific activities required to achieve goals described in subparagraph (B), and propose a timeline for achieving these goals;

(D) identify and expand partnerships, as appropriate, with Federal agencies, States, Indian tribes, academic institutions, non-governmental organizations, and private entities in order to develop new approaches for reducing hazards to human and animal health and to strengthen understanding of the value of an integrated approach under the One Health Program to addressing public health threats in a manner that prevents duplication;

(E) identify best practices related to State and local-level research coordination, field activities, and disease outbreak preparedness, response, and recovery related to One Health; and

(F) provide recommendations to Congress regarding legislation or policy changes that may be required to assist in establishing the One Health Program.

(c) ADDENDUM.—Not later than 3 years after the date of enactment of this Act, the Secretaries, in coordination with the agencies described in paragraph (1), shall submit to Congress an addendum to the framework that describes the progress made in advancing the activities described in the framework.

(d) AUTHORIZATION OF APPROPRIATIONS.—To carry out this section, there is authorized to be appropriated such sums as may be necessary.

SEC. 04. GAO REPORT.

Not later than 2 years after the date of the submission of the addendum under section 05(b)(3), the Comptroller General of the United States shall submit to Congress a report that—

(1) details existing collaborative efforts between the Department of the Interior, the Centers for Disease Control and Prevention, the Food and Drug Administration, the Department of Agriculture, the United States Agency for International Development, the National Institutes of Health, the Department of Homeland Security, and other departments and agencies to prevent and respond to zoonotic disease outbreaks in animals and humans; and

(2) contains an evaluation of the framework and the specific activities requested to achieve the framework.
SA 4808. Mrs. FEINSTEIN (for herself, Ms. ERNST, Mr. DURBIN, Ms. COLLINS, Ms. KENNEDY, Ms. PEETERS, Mr. CORNYN, and Ms. DUCKWORTH) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes. The amendment was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, add the following:

SEC. 1216. STATUS OF WOMEN AND GIRLS IN AFGHANISTAN.

(a) FINDINGS.—Congress finds the following:

(1) Since May 2021, the escalation of violent conflict in Afghanistan has forced more than 350,000 civilians to flee, and 80 percent of those forced to flee are women and children.

(2) Since regaining control of Afghanistan in August 2021, the Taliban have taken actions reminiscent of their brutal rule in the late 1990s, including by cracking down on protests and beatings journalists, reestablishing the Ministry for the Promotion of Virtue and Prevention of Vice, and requiring women to study at universities in gender-segregated classrooms while wearing Islamic attire.

(3) Until the Taliban assumed control of the country in August 2021, the women and girls of Afghanistan had achieved much since 2001, even as insecurity, poverty, underdevelopment, and patriarchal norms continued to limit their rights and opportunities in much of Afghanistan.

(4) Through strong support from the United States and the international community—

(A) female enrollment in public schools in Afghanistan continued to increase through 2015, with an estimated high of 50 percent of school age girls attending; and

(B) by 2019—

(i) women held political leadership positions, and women served as ambassadors; and

(ii) women served as prosecutors, judges, procurators, defense attorneys, police, military and intelligence professionals, humanitarian and developmental aid workers, and entrepreneurs.

(5) Efforts to empower women and girls in Afghanistan continue to serve the national interests of Afghanistan and the United States because women are sources of peace and economic development.

(6) With the return of Taliban control, the United States has little ability to preserve the human rights of women and girls in Afghanistan. Women and girls may again face the intimidation and marginalization they faced under the last Taliban regime.

(7) Women and girls in Afghanistan are again facing gender-based violence, including—

(A) forced marriage;

(B) intimate partner and domestic violence;

(C) sexual harassment;

(D) sexual exploitation, including rape; and

(E) emotional and psychological violence.

(8) Gender-based violence has always been a significant problem in Afghanistan and is expected to become more widespread with the Taliban in control. In 2020, even before the Taliban assumed control of the country, some studies projected that 87 percent of Afghan women experienced at least one form of gender-based violence in their lifetime, with 62 percent experiencing multiple incidents of such violence.

(9) Prior to the Taliban takeover in August 2021, approximately 7,000,000 people in Afghanistan lacked or had limited access to emergency and primary health services as a result of weak health systems, and conflict-related interruptions in care.

(10) Women and girls faced additional challenges, as their access to prenatal, childbirth, and postpartum care was limited due to shortages of female medical staff, cultural barriers, stigma and fears of reprisals following sexual violence, or other barriers to mobility, including security fears.

(11) Only approximately 50 percent of pregnant women and girls in Afghanistan deliver their children in a health facility with a professional attendant, which increases the risk of complications in childbirth and preventable maternal mortality.

(12) Food insecurity in Afghanistan is also posing a variety of threats to women and girls, as malnutrition weakens their immune system and makes them more susceptible to infections, complications during pregnancy, and risks during childbirth.

(13) With the combined impacts of ongoing conflict with COVID-19, Afghan households are increasingly resorting to child marriage, forced marriage, and child labor to address food insecurity and other effects of extreme poverty.

(14) In Afghanistan, the high prevalence of anemia among adolescent girls reduces their ability to survive childbirth, especially when compounded with malnutrition from child marriage and forced marriage and barriers to accessing prenatal and childbirth services.

(b) STRATEGIC CONCERNS.—It is the sense of Congress that—

(1) since 2001, organizations and networks promoting the empowerment of women and girls have been important engines of social, economic, and political development in Afghanistan;

(2) any future political order in Afghanistan should be targeted toward the most vulnerable, including for the protection, education, and welfare of women and girls.

(c) POLICY OF THE UNITED STATES REGARDING THE RIGHTS OF WOMEN AND GIRLS IN AFGHANISTAN.—

(1) IN GENERAL.—It is the policy of the United States—

(A) to continue to support the internationally recognized human rights of women and girls in Afghanistan following the withdrawal of the United States Armed Forces from Afghanistan, including through mechanisms to hold to account all parties publicly accountable for violations of international humanitarian law and violations of such rights against women and girls;

(B) to continue to support the international community and the Afghan diaspora community.

(d) HUMANITARIAN ASSISTANCE AND AFGHAN WOMEN AND GIRLS.—The Administrator of the United States Agency for International Development should work to ensure that Afghan women are employed and enabled to work in the delivery of humanitarian assistance in Afghanistan, to the extent practicable.

(e) REPORT ON WOMEN AND GIRLS IN AFGHANISTAN.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter through 2024, the Secretary of State shall submit to the appropriate committees of Congress, and make available to the public, a report that includes the following:

(A) An assessment of the status of women and girls in Afghanistan following the departure of United States and partner military forces, including with respect to access to primary and secondary education, jobs, primary and emergency health care, and legal protections and status;

(B) An assessment of the political and civic participation of women and girls in Afghanistan;

(C) An assessment of the prevalence of gender-based violence in Afghanistan; and

(D) A report on United States foreign assistance obligated or expended during the period covered by the report to advance
gender equality and the internationally rec-
ognized human rights of women and girls in 
Afghanistan, including funds directed toward 
local organizations promoting such rights of 
women and girls; and 
(ii) The amounts awarded to principal re-
ipients and sub-recipients for such purposes 
during the reporting period.
(b) For each program for which such funds are used for such purposes.

(2) ASSESSMENT.—
(A) INPUT.—The assessment described in paragraph (A) shall include the input of—
(i) Afghan women and girls;
(ii) organizations employing and working with Afghan women and girls;
(iii) organizations working with Afghan women and girls, including faith-based organizations, providing assistance in Afghanistan.
(B) SAFETY AND CONFIDENTIALITY.—In carrying out the assessment described in paragraph (1(A), the Secretary shall, to the maximum extent practicable, ensure the safety and confidentiality of personal information of each individual who provides information from within Afghanistan.
(C) DEFINITION OF APPROPRIATE COMMITTEES OF CONGRESS.—In this subsection, the term ‘appropriate committees of Congress’ means—

(A) the Committee on Foreign Relations and the Committee on Appropriations of the Senate; and
(B) the Committee on Foreign Affairs and the Committee on Appropriations of the House of Representatives.

SA 4809. Mr. WARNER submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle E of title V, add the following:

SEC. 576. COUNTERING EXTREMISM IN THE ARMED FORCES. (a) In General.—The Secretary of Defense shall—

(1) promulgate policy that prohibits and defines participation in extremist activities;
(2) develop and implement programs, resources, and activities to counter extremism within the Armed Forces, including screening of publicly available information and insider threat programs;
(3) collect and report data on incidents, allegations, investigations, disciplinary actions, and separations related to extremism, as well as publication of reports on these data to the public, in a clear, public, and transparent manner; and
(4) designate a senior official, to be known as the ‘Senior Official for Countering Extremism’, within the Department of Defense as responsible for facilitation and coordination of the activities described in this subsection with personnel and readiness officials, law enforcement organizations, security organizations, insider threat programs, and watch lists related to extremism in the Armed Forces.

(b) TRAINING AND EDUCATION.—
(1) In General.—The Secretary of each military department, in coordination with the Senior Official for Countering Extremism, shall develop and implement training and education programs and related materials to assist members of the Armed Forces and civilian employees of the Department of Defense in identifying, preventing, responding to, reporting, and mitigating the risk of extremist activities.

(2) wood in the training and education described in paragraph (1) shall include specific material for activities determined by the Senior Official for Countering Extremism as relevant to extremism activities including recruitment activities and separating members of the Armed Forces.

(3) REQUIREMENTS.—The Secretary of Defense shall, in coordination with the Secretary of Homeland Security, shall provide the training and education described paragraph (1)—

(A) to a member of the Armed Forces, civilian employee of Defense, or an individual in a pre-commisioning program no less than once a year;
(B) to a member of the Armed Forces whose discharge (regardless of character of discharge) or release from active duty is anticipated as of a specific date within the time period specified under section 1142(a)(3) of title, United States Code;
(C) to a member of the Armed Forces performing recruitment activities within the 30 days prior to commencing such activities; and
(D) additionally as determined by the Secretary of Defense.

(c) PROGRESS REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall submit to the Committees on Armed Services of the Senate and House of Representatives a report on the status of the implementation of this section.

SA 4810. Mrs. GILLIBRAND (for herself, Mr. RUBIO, Mr. HEINRICH, Mr. BLUNT, and Mr. GRAHAM) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title XV, insert the following:

SEC. 577. ESTABLISHMENT OF STRUCTURE AND AUTHORITIES TO ADDRESS UNIDENTIFIED AERIAL PHENOMENA. (a) ESTABLISHMENT.—Anomaly Surveillance, Tracking, and Resolution Office.—

(1) In General.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Defense shall, in coordination with the Director of National Intelligence, establish an office within an appropriate component of the Department of Defense to, in cooperation with the Department of Defense and the Office of the Director of National Intelligence, to assist the Office becomes aware.

(3) TERMINATION OR SUBORDINATION OF OTHER PROGRAMS.—The Secretary of Defense shall establish an office, the Office of the Anomaly Surveillance, Tracking, and Resolution Office, the Secretary shall termin-
(1) IN GENERAL.—The Secretary, in coordination with the Director, shall designate one or more line organizations that will be primarily responsible for scientific, technical, and operational analysis of data gathered by field investigations conducted under subsection (d), or data from other sources, including testing of materials, medical studies, and development of theoretical models to better understand and explain unidentified aerial phenomena.

(2) AUTHORITY.—The Secretary and the Director shall coordinate such directives necessary to ensure that the designated line organizations have authority to draw on special expertise of persons outside the Federal Government with appropriate security clearances.

(3) INTELLIGENCE COLLECTION AND ANALYSIS PLAN.—

(1) IN GENERAL.—The head of the Office shall supervise the development and execution of an intelligence collection and analysis plan on behalf of the Secretary and the Director to gain as much knowledge as possible regarding the technical and operational characteristics, origins, and intentions of unidentified aerial phenomena, including the development, acquisition, deployment, and operation of technical collection capabilities necessary to detect, identify, and scientifically characterize unidentified aerial phenomena.

(2) USE OF RESOURCES AND CAPABILITIES.—In developing the plan required by paragraph (1), the Secretary and the Director shall consider and propose, as appropriate, the use of any resource, capability, asset, or process of the Department and the intelligence community.

(4) SCIENCE PLAN.—The head of the Office shall supervise the development and execution of a science plan on behalf of the Secretary and the Director to develop and test, as practicable, scientific theories to account for characteristics and performance of unidentified aerial phenomena that exceed the known state of the art in science or technology, including in the areas of propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, and power generation, and to provide the foundation for potential future investments to replicate any such advances and performance capabilities.

(5) ASSIGNMENT OF PRIORITY.—The Director, in consultation with, and with the recommendation of the Secretary, shall assign an appropriate priority within the National Intelligence Priorities Framework to the requirement to understand, characterize, and respond to unidentified aerial phenomena.

(6) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated such sums as may be necessary to carry out the work of the Office, including—

(i) general intelligence gathering and intelligence analysis; and
(ii) activities relating to space defense, defense of controlled air space, defense of ground, air, or naval assets, and related purposes.

(7) ANNUAL REPORT.—

(1) IN GENERAL.—Not later than October 31, 2022, and annually thereafter until October 31, 2026, the Secretary in consultation with the Director, shall submit to the appropriate Committees a report on unidentified aerial phenomena.

(2) ELEMENTS.—Each report under paragraph (1) shall include—

(A) an analysis of data and intelligence received through reports of unidentified aerial phenomena or other relevant sources;

(B) an analysis of data relating to unidentified aerial phenomena collected through—

(i) geospatial intelligence
(ii) signals intelligence;
(iii) human intelligence; and
(iv) measurement and signals intelligence.

(C) an analysis of such incidents identified under subparagraphs (A) and (B);

(D) identification of potential aerospace or other threats posed by unidentified aerial phenomena to the national security of the United States;

(E) an assessment of any activity regarding unidentified aerial phenomena that can be attributed to one or more adversarial foreign governments;

(F) identification of any incidents or patterns regarding unidentified aerial phenomena that indicate a potential adversarial foreign government may have achieved a breakthrough aerospace capability.

(G) an update on the coordination by the United States with allies and partners on efforts to track, understand, and address unidentified aerial phenomena.

(H) an update on any efforts to capture or exploit discovered unidentified aerial phenomena.

(I) an assessment of any health-related effects for individuals who have encountered unidentified aerial phenomena.

(J) an analysis of how incidents, and descriptions thereof, of unidentified aerial phenomena associated with military nuclear assets, including strategic nuclear weapons and nuclear-powered ships and submarines.

(K) In consultation with the Administrator of the National Nuclear Security Administration, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena associated with facilities or assets associated with the production, transportation, or storage of nuclear weapons or components thereof.

(M) in consultation with the Chairman of the Nuclear Regulatory Commission, the number of reported incidents, and descriptions thereof, of unidentified aerial phenomena or drones of unknown origin associated with nuclear power generating stations, nuclear fuel storage sites, or other sites or facilities regulated by the Nuclear Regulatory Commission.

(N) the names of the line organizations that have been designated to perform the specific functions imposed by subsections (d) and (e) of this section, and the specific functions for which each such line organization has been assigned primary responsibility.

(2) M EMBERSHIP.—(A) Subject to subparagraph (B), the Committee shall be composed of members as follows:

(i) 20 members selected by the Secretary as follows:

(1) Three members selected from among individuals recommended by the Administrator of the National Aeronautics and Space Administration.

(2) Two members selected from among individuals recommended by the Administrator of the Fed.
3 of whom shall not be employees of any Federal Government agency or Federal Government contractor.

(b) No individual may be appointed to the Committee in subparagraph (A) unless the Secretary and the Directly jointly determine that the individual—

(i) qualifies for a security clearance at the secret level; or

(ii) possesses scientific, medical, or technical expertise pertinent to some aspect of the investigation and analysis of unidentified aerial phenomena.

(3) The term "unidentified aerial phenomena" means objects or devices that are not immediately identifiable.

(iii) has previously conducted research or writing that demonstrates scientific, technological, or operational knowledge regarding aspects of the subject matter, including propulsion, aerodynamic control, signatures, structures, materials, sensors, countermeasures, weapons, electronics, power generation, field investigations, forensic examination of particular cases, analysis of open source and classified information regarding domestic and foreign research and commentary, and historical information pertaining to unidentified aerial phenomena.

(C) The Secretary and Director may terminate the membership of any individual on the Committee upon a finding by the Secretary and the Director jointly that the member no longer meets the criteria specified in this subsection.

(4) The Committee shall elect a temporary Chairperson of the Committee, but at the earliest practicable date the Committee shall elect a Chairperson from among its members, who will serve a term of 2 years, and is eligible for re-election.

(D) EXPERT ASSISTANCE, ADVICE, AND RECOMMENDATIONS.—The Committee may, upon invitation of the head of the Office, provide expert assistance or advice to any line organization designated to carry out field investigations, forensic examination, or data analysis as authorized by subsections (d) and (e).

(E) The Committee on Armed Services, the Select Committee on Intelligence, and the Committee on Appropriations of the House of Representatives, the Select Committee on Intelligence, the Committee on Foreign Relations, and the Committee on Appropriations of the Senate; and

(F) The Committee on Armed Services, the Permanent Select Committee on Intelligence, the Committee on Appropriations of the House of Representatives.

2. The term "intelligence community" has the meaning given such term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

3. The term "transmedium objects or devices" means objects or devices that are observed to transition between space and the atmosphere, or between the atmosphere and bodies of water, that are not immediately identifiable.

4. The term "unidentified aerial phenomena" means—

(A) airborne objects that are not immediately identifiable;

(B) transmedium objects or devices; and

(C) submerged objects or devices that are not immediately identifiable and that display behavior or performance characteristics suggesting that they may be related to the subjects described in subparagraphs (A) or (B).

SHA 4811. Mr. TUBERVILLE submitted an amendment intended to be proposed to amendment SA 4812 submitted by Mr. REED and is now pending to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, as authorized by the House of Representatives.

SEC. 2. PROHIBITING THE INTERNAL REVENUE SERVICE FROM REQUIRING FINANCIAL INSTITUTIONS TO REPORT CIVILIAN AND MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

At the appropriate place, insert the following:

SEC. 2. PROHIBITING THE INTERNAL REVENUE SERVICE FROM REQUIRING FINANCIAL INSTITUTIONS TO REPORT CIVILIAN AND MILITARY PERSONNEL STRENGTHS FOR SUCH FISCAL YEAR, AND FOR OTHER PURPOSES; WHICH WAS ORDERED TO LIE ON THE TABLE; AS FOLLOWS:

(a) FINDINGS.—Congress finds the following:

(1) The Thrift Savings Fund invests more than $6,000,000,000 in military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

(b) Prohibition on Any TSP Fund Investing in Entities Based in the People's Republic of China.—

(1) In General.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

(1) In General.—Nothing in this section shall preempt, limit, or supersede, or be construed to preempt, limit, or supersede, any other provision of law; and

(2) DIVESTITURE OF ASSETS.—Not later than 30 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(a) review whether any sums in the Thrift Savings Fund are invested in violation of subparagraph (A), divest those sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.

(b) Prohibition on Any TSP Fund Investing in Entities Based in the People's Republic of China.—

(1) In General.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

(1) In General.—Nothing in this section shall preempt, limit, or supersede, or be construed to preempt, limit, or supersede, any other provision of law; and

(2) DIVESTITURE OF ASSETS.—Not later than 30 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(a) review whether any sums in the Thrift Savings Fund are invested in violation of subparagraph (A), divest those sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.

(b) Prohibition on Any TSP Fund Investing in Entities Based in the People's Republic of China.—

(1) In General.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

(2) DIVESTITURE OF ASSETS.—Not later than 30 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(a) review whether any sums in the Thrift Savings Fund are invested in violation of subparagraph (A), divest those sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.

(b) Prohibition on Any TSP Fund Investing in Entities Based in the People's Republic of China.—

(1) In General.—Section 8438 of title 5, United States Code, is amended by adding at the end the following:

(2) DIVESTITURE OF ASSETS.—Not later than 30 days after the date of enactment of this Act, the Federal Retirement Thrift Investment Board established under section 8472(a) of title 5, United States Code, shall—

(a) review whether any sums in the Thrift Savings Fund are invested in violation of subparagraph (A), divest those sums in the Thrift Savings Fund are not invested in securities linked to the economy of the People's Republic of China.
paragraph may not include an investment in any security of—
"(i) an entity based in the People's Republic of China; or
"(ii) a subsidiary that is owned or operated by an entity described in clause (i)."

SA 4813. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

**DIVISION E—CYBER INCIDENT REPORTING ACT OF 2021 AND CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021**

**TITLE LI—CYBER INCIDENT REPORTING ACT OF 2021**

**SEC. 5101. SHORT TITLE.**

This title may be cited as the “Cyber Incident Reporting Act of 2021.”

**SEC. 5102. DEFINITIONS.**

In this title:

(1) COVERED CYBER INCIDENT; COVERED ENTITY; CYBER INCIDENT.—The terms “covered cyber incident”, “covered entity”, and “cyber incident” have the meanings given those terms in section 2230 of the Homeland Security Act of 2002, as added by section 5103 of this title.

(2) DIRECTOR.—The term “Director” means the Director of the Cybersecurity and Infrastructure Security Agency.

(3) INFORMATION SYSTEM; RANSOM PAYMENT; RANSOMWARE ATTACK; SECURITY VULNERABILITY.—The terms “information system”, “ransom payment”, “ransomware attack”, and “security vulnerability” have the meanings given those terms in section 2200 of the Homeland Security Act of 2002, as added by section 5203 of this division.

**SEC. 5103. CYBER INCIDENT REPORTING.**

(a) Definitions—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651 et seq.) is amended—

(1) in section 2209(b) (6 U.S.C. 659(b)), as so redesignated by section 5203(b) of this division—

(A) in paragraph (11), by striking “and” at the end; and

(B) in paragraph (12), by striking the period at the end and inserting “; and”; and

(C) by adding at the end following:

"(13) receiving, aggregating, and analyzing reports related to covered cyber incidents (as defined in section 2230) submitted by covered entities (as defined in section 2230) and reports related to ransom payments submitted by entities specified in sections 2202(e), 2203, and 2231, this subsection, and any other authorized activity of the Director, to enhance the situational awareness of cybersecurity threats across critical infrastructure sectors.; and"

(2) by adding at the end the following:

**Subtitle C—Cyber Incident Reporting**

**SEC. 2230. DEFINITIONS.**

In this subtitle—

(1) CENTER.—The term ‘Center’ means the center established under section 2209.

(2) COUNCIL.—The term ‘Council’ means the Cybersecurity and Intelligence Coordination Council established under section 1752(c)(1)(H) of the William Jefferson Clinton Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)).

(3) COVERED CYBER INCIDENT.—The term ‘covered cyber incident’ means a substantial cybersecurity incident occurring at or caused by a covered entity that satisfies the definition and criteria established by the Director in the final rule issued pursuant to section 2232(b).

(4) COVERED ENTITY.—The term ‘covered entity’ means—

(A) any Federal contractor; or

(B) an entity that owns or operates critical infrastructure that satisfies the definition established by the Director in the final rule issued pursuant to section 2232(b).

(5) CYBER INCIDENT.—The term ‘cyber incident’ has the meaning given the term ‘incident’ in section 2200.

(6) CYBER THREAT.—The term ‘cyber threat’—

(A) has the meaning given the term ‘cybersecurity threat’ in section 2200; and

(B) does not include any activity related to good faith security research, including participation in a bug-bounty program or a vulnerability disclosure program.

(7) FEDERAL CONTRACTOR.—The term ‘Federal contractor’ means a business, nonprofit organization, or other private sector entity that holds a Federal Government contract or subcontract at any tier, grant, cooperative agreement, or other transaction agreement, unless that entity is a party only to—

(A) a service contract to provide housekeeping or custodial services; or

(B) a contract to provide products or services unrelated to information technology that is below the micro-purchase threshold, as defined in section 2.101 of title 48, Code of Federal Regulations, or any successor regulation.

(8) FEDERAL ENTITY; INFORMATION SYSTEM; SECURITY CONTROL.—The terms ‘Federal entity’, ‘information system’, and ‘security control’ have the meanings given those terms in section 102 of the Cybersecurity Act of 2015 (6 U.S.C. 1501).

(9) SIGNIFICANT CYBER INCIDENT.—The term ‘significant cyber incident’ means a cybersecurity incident, or a group of related cybersecurity incidents, that the Secretary determines is likely to result in demonstrable harm to national security interests, foreign relations, or economy of the United States or to the public confidence, civil liberties, or public health and safety of the people of the United States.

(10) SMALL ORGANIZATION.—The term ‘small organization’—

(A) means—

(1) a small business concern, as defined in section 3 of the Small Business Act (15 U.S.C. 632); or

(2) any nonprofit organization, including faith-based organizations and houses of worship, or other private sector entity with fewer than 20 employees (determined on a full-time equivalent basis); and

(B) does not include—

(i) a business, nonprofit organization, or other private sector entity that is a covered entity; or

(ii) a Federal contractor.

**SEC. 2231. CYBER INCIDENT REVIEW.**

(a) ACTIVITIES.—The Center shall—

(1) receive, aggregate, analyze, and secure, using processes developed pursuant to the Cybersecurity Information Sharing Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures adversaries use to overcome those controls and other threats, including denial of service, to support law enforcement investigations, to assess potential impact of incidents on public health and safety, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;

(2) receive, aggregate, analyze, and secure reports to lead the identification of tactics, techniques, and procedures used to perpetrate cyber incidents and ransomware attacks; and

(3) coordinate and share information with appropriate Federal, State, and local governments and agencies and private sector owners and operators to support the protection and effectiveness of information sharing and coordination efforts with appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers; and

(b) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incidents captured and trends, patterns, indicators, and maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2235; and

(c) establish mechanisms for feedback from stakeholders on how the Center can most effectively receive covered cyber incident reports, ransom payment reports, and other voluntarily provided information;

(d) facilitate the timely sharing, on a voluntary basis, between relevant critical infrastructure owners and operators of information relating to covered cyber incidents and ransom payments, particularly with respect to ongoing cyber threats or security vulnerabilities and identify and disseminate ways to prevent or mitigate similar incidents in the future;

(e) for a covered cyber incident, including a ransomware attack, that also satisfies the definition of a significant cyber incident, or is part of a group of related cyber incidents that together satisfy such definition, conduct an evaluation of the impact of the covered cyber incident or group of those incidents and identify and disseminate ways to prevent or mitigate similar incidents in the future;

(f) with respect to covered cyber incident reports under section 2232(a) and 2233 involving ongoing cyber threats or security vulnerabilities, immediately review those reports for cyber threat indicators that can be anonymized and disseminated, with defensive measures, to appropriate stakeholders, in coordination with other divisions within the Agency, as appropriate;

(g) publish quarterly unclassified, public reports that may be unclassified, and the unclassified information contained in the briefings required under subsection (c);

(h) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on ransomware attacks to support law enforcement efforts to identify, track, and seize ransom payments; and security vulnerabilities, to the greatest extent practicable;

(i) proactively identify opportunities and perform analyses, consistent with the protections in section 2235, to leverage and utilize data on cyber incidents in a manner that enables and strengthens cybersecurity research carried out by governmental and private sector organizations, to the greatest extent practicable;
SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update of any timely submitted covered cyber incident report if new or different information becomes available or if the covered entity makes a ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

"(5) EXCEPTIONS.—

"(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered cyber incident includes a ransom payment such that the reporting requirements under paragraphs (1) and (2) apply, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

"(B) SIMULTANEOUSLY REPORTED INFORMATION.—Paragraphs (1), (2), and (3) shall not apply to an entity or the functions of a covered entity that the Director determines constitute critical infrastructure owned, operated, or governed by multi-stakeholder organizations that design and enforce policies concerning the Domain Name System, such as the Internet Corporation for Assigned Names and Numbers or the Internet Assigned Numbers Authority.

"(C) DOMAIN NAME SYSTEM.—The requirements under paragraphs (1), (2), and (3) shall be made in the manner and format, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

"(D) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect on the dates prescribed in the final rule issued pursuant to subsection (b).

"(E) RULEMAKING.—

"(1) NOTICE OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Director, in consultation with the National Cyber Director, the Attorney General, and the Director of National Intelligence, shall provide to the minority leader of the House of Representatives, the minority leader of the Senate, the Speaker of the House of Representatives, the Attorney General, and the Director of National Intelligence the information to another Federal agency within a substantially similar timeframe.

"(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

"(F) SUBSEQUENT RULEMAKINGS.—

"(A) IN GENERAL.—The Director is authorized to issue regulations to amend or revise the final rule issued pursuant to paragraph (2).

"(B) PROCEDURES.—Any subsequent rules issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under subparagraph (A).

"(C) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

"(1) A clear description of the types of entities that constitute covered entities, based on—

"(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;

"(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and

"(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or penetration testing tools or techniques, will impair the reliable operation of critical infrastructure.

"(2) A clear description of the types of substantial cyber incidents that constitute covered cyber incidents, which shall—

"(A) at a minimum, require the occurrence of—

"(i) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability of such information system or network, or a serious impact on the safety and resiliency of operational systems and processes;

"(ii) a disruption of business or industrial operations due to a cyber incident; or

"(iii) an occurrence described in clause (i) or (ii) due to loss of service, facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider; or

"(B) consider—

"(i) the sophistication or novelty of the tactics used to perpetrate such an incident, as well as the type, volume, and sensitivity of the data at issue;

"(ii) the number of individuals directly or indirectly affected or potentially affected by such an incident; and

"(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and

"(C) exclude—

"(i) any event where the cyber incident is perpetrated by good faith security research or in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and

"(ii) a requirement that, if a covered cyber incident or a ransom payment occurs followed by third parties to find vulnerabilities in the information system, the entity shall comply with the requirements in this subtitle in reporting the covered cyber incident or ransom payment.

"(3) A clear description of the specific required contents of a report pursuant to subsection (a) shall include the following information, to the extent applicable and available, with respect to a covered cyber incident:

"(A) A description of the covered cyber incident;

"(B) an identification and a description of the function of the affected information systems, networks, or devices that were, or are reasonably believed to have been, affected by such incident;

"(C) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system or network or disruption of business or industrial operations;

"(D) the estimated date range of such incident; and

"(E) the impact to the operations of the covered entity.
“(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.

(C) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.

(D) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

(E) The name and other information that clearly identifies the entity impacted by the covered cyber incident.

(F) The date of the ransom payment.

(G) other commodity requested, if applicable.

(H) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or physical address the funds were requested to be sent to, if applicable.

(I) Amount of the ransom payment.

(J) A clear description of the types of data required to be preserved pursuant to subsection (a)(4) and the period of time for which the covered entity is to preserve the data.

(K) Deadlines for submitting reports to the Director required under subsection (a)(3), which shall:

(A) be established by the Director in consultation with the Council;

(B) consider any existing regulatory reporting requirements similar in scope, purpose, requiring the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing and contents of any such reports to the maximum extent practicable; and

(C) balance the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

(8) Procedures for—

(A) entities to submit reports required by paragraphs (1), (2), and (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;

(B) the Agency to carry out the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 225(c), and other aspects of noncompliance;

(C) implementations of exceptions provided in subsection (a)(5); and

(D) reporting privacy and civil liberties consistency, with protections pursuant to section 104(b) of the Cybersecurity Act of 2015 (6 U.S.C. 1504(b)) and anonymizing and safeguarding, or no longer retaining, information received and disclosed through covered cyber incident reports and ransom payment reports that is known to be personal information of a specific individual or organization that identifies a specific individual that is not directly related to a cybersecurity threat.

(9) A clear description of the types of entities that covered cyber incident reports for purposes of section 2233(b)(7).

(1) REPORT SUBMISSION.—An entity, including a covered entity, that is required to submit a covered cyber incident report or a ransom payment report under this paragraph shall report to a third party, such as an incident response company, insurance provider, service provider, information sharing and analysis organization, or law firm, to the extent the required report under subsection (a).

(2) RANSOM PAYMENT.—If an entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a).

(3) DUTY TO REPORT.—Third-party reporting under this subparagraph does not relieve a covered entity or an entity that makes a ransom payment from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

(4) RESPONSIBILITY TO ADVISE.—Any third party used by an entity that knowingly makes a ransom payment on behalf of an entity impacted by a ransomware attack shall advise the impacted entity of its responsibilities of the impacted entity regarding reporting ransom payments under this section.

(5) OUTREACH TO COVERED ENTITIES.—(1) IN GENERAL.—The Director shall conduct an outreach and education campaign to inform likely covered entities, entities that offer a service to customers to make or facilitate ransom payments on behalf of entities impacted by ransomware attacks, potential ransomware attack victims, and authorized representatives of the requirements of paragraphs (1), (2), and (3) of subsection (a).

(2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

(A) An overview of the final rule issued pursuant to subsection (b).

(B) An overview of mechanisms to allow the Center to sponsor the coverage cyber incident reports and information relating to the coverage, disclosure, and use of incident reports under this section.

(C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

(D) An overview of the steps taken under section 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

(E) Specific outreach to cybersecurity vendors, incident response providers, cybersecurity insurance entities, and other entities that may support covered entities or ransomware attack victims.

(F) An overview of the privacy and civil liberties requirements in this section.

(3) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Director may coordinate with—

(A) The Critical Infrastructure Partnership Advisory Council established under section 671 of the information sharing and analysis organizations;

(B) trade associations;

(D) information sharing and analysis centers;

(E) sector coordinating councils; and

(F) any other entity as determined appropriate by the Director.

(3) ORGANIZATION OF REPORTS.—Notwithstanding section 2232(a)(3), (c) a PPLICATION OF PROTECTIONS.—The protections under section 2233 applicable to covered cyber incident reports shall apply in the same extent to reports to reports and information submitted under subsections (a) and (b).

(4) SEC. 2234. NONCOMPLIANCE WITH REQUIRED REPORTING.

(5) Purpose.—(a) In General.—Entities that are required to submit a report under subsection (a)(2) of this section may be deemed to have failed to comply with the requirement to report, the Director may obtain information about the incident or ransom payment by engaging the entity directly to request information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the entity, pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

(b) INITIAL REQUEST FOR INFORMATION.—(1) IN GENERAL.—If the Director has reason to believe, whether through public reporting or other information in the possession of the Federal Government, including through analysis performed pursuant to paragraph (1) or (2) of subsection 2233(b)(1), that an entity has experienced a covered cyber incident or made a ransom payment but failed to
report such incident or payment to the Center within 72 hours in accordance with section 2232(a), the Director shall request additional information from the entity to confirm whether a covered cyber incident or ransom payment has occurred.

"(2) TREATMENT.—Information provided to the Center in response to a request under paragraph (1) is subject to the reporting procedures established in section 2232.

"(c) AUTHORITY TO ISSUE SUBPOENAS AND DEBAR.—

"(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made a request under subsection (b) of this section, the Director has received no response from the entity, the Director may use the information provided under this subsection that is not authenticated in accordance with subparagraph (A) shall not be compiled, treated as complete, or used for any purpose other than to determine whether a covered cyber incident or ransom payment has occurred and the Director may treat the information as if it was complete, treated as complete, or used for any purpose other than to determine whether a covered cyber incident or ransom payment has occurred.

"(2) AUTHENTICATION.—

"(A) PERSONAL INFORMATION.—Information that identifies a specific individual that is not directly related to a cybersecurity threat.

"(3) WITHOUT AUTHORIZATION OR PROTECTION.—Information that is not subject to any law requiring disclosure of information or protection under section 552(b)(3)(B) of title 5, United States Code, and any information contained in reports submitted to the Center shall be exempt from disclosure under such section.

"(4) AUTHORIZED ACTIVITIES.—Information that is subject to any law requiring disclosure of information or protection under section 552(b)(3)(B) of title 5, United States Code, and any information contained in reports submitted to the Center shall be exempt from disclosure under such section.

"(5) PRIVACY AND CIVIL LIBERTIES.—Information provided in response to a request under subsection (b) of this section, the Director shall take into consideration—

"(1) the size and complexity of the entity;

"(2) the complexity in determining if a covered cyber incident has occurred;

"(3) prior interaction with the Agency or awareness of the entity of the policies and procedures of the Agency for reporting covered cyber incidents and ransom payments.

"(6) NO WAIVER OF PRIVILEGE OR PROTECTION.—The submission of a report to the Center shall not constitute a waiver of any applicable privilege or protection provided under law, including trade secret protection and attorney-client privilege.

"(7) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(8) AGENT ACTIONS AFTER RECEIPT.—The report provided in response to a request under subsection (b) of this section, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(9) PROHIBITION ON USE OF INFORMATION IN ENFORCEMENT ACTIONS.—No court, State, local, or Tribal government shall not use information provided in response to a request under subsection (b) of this section, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(10) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(11) PROHIBITION ON USE OF INFORMATION IN ENFORCEMENT ACTIONS.—No court, State, local, or Tribal government shall not use information provided in response to a request under subsection (b) of this section, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(12) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(13) PROHIBITION ON USE OF INFORMATION IN ENFORCEMENT ACTIONS.—No court, State, local, or Tribal government shall not use information provided in response to a request under subsection (b) of this section, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(14) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(15) PROHIBITION ON USE OF INFORMATION IN ENFORCEMENT ACTIONS.—No court, State, local, or Tribal government shall not use information provided in response to a request under subsection (b) of this section, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(16) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(17) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(18) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(19) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(20) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.

"(21) LIABILITY PROTECTIONS.—The report of the Subpoena on Cyber Threat Indicators. Upon receiving a covered cyber incident or ransom payment report, the Director may only use the information contained in such report in accordance with such laws, regulations, and procedures as the Director determines to be necessary to provide an ongoing cyber threat or security vulnerability.
SEC. 2106. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.

(a) Program.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a vulnerability warning program to leverage existing authorities and technology to specifically develop processes and procedures for, and to designate resources for, improving information systems that contain security vulnerabilities associated with common ransomware attacks, and to notify the owners of those vulnerable systems of their security vulnerabilities.

(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The program established under subsection (a) shall—

(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques; and

(2) prioritize covered entities for identification and notification activities under the pilot program established under this section.

(c) LIMITATION ON PROCEDURES.—No procedures, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures within that section.

(d) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ''and'' after the term ''security'' and inserting the following: ''(i) in subsection (a) the Director may utilize the subpoena authority pursuant to section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures within that section.''; and

(B) by redesignating subparagraph (H) as subparagraph (I);

(2) in paragraph (2), by striking ''and'' and inserting the following: ''(H) lead an intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget, the Attorney General, and the Director of the Cybersecurity and Infrastructure Security Agency and in coordination with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment as defined in section 2201 (6 U.S.C. 651)''; and

(3) by striking subparagraph (H) (as so designated by the covered entity).

(e) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

(f) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency pursuant to this subtitle or any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any trial, hearing, or other proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, provided that nothing in this subtitle or any provision of law or policy that would otherwise prohibit, or obstruct the investigation of, or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

(g) S HARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received under section 2232 available to critical infrastructure owners and operators and the general public.

(h) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 121 of title 18, United States Code (commonly known as the ‘‘Stored Communications Act’’).

(i) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections in section 1(b) of the Pandemic and Economic Recovery Act of 2020 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subtitle B of title XXII the following:

‘‘Subtitle C—Cyber Incident Reporting

‘‘Sec. 2230. Definitions.

‘‘Sec. 2231. Cyber Incident Review.

‘‘Sec. 2232. Required reporting of certain cyber incidents.

‘‘Sec. 2233. Voluntary reporting of other cyber incidents.

‘‘Sec. 2234. Noncompliance with required reporting.

‘‘Sec. 2235. Information shared with or provided to the Federal Government.’’

SEC. 3104. FEDERAL SHARING OF INCIDENT REPORTS.

(a) CYBER INCIDENT REPORTING SHARING.—

(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any Federal agency, including any independent establishment (as defined in section 104 of title 5, United States Code), that receives a report from an entity of a cyber incident, including an attack, shall forward the report to the Director as soon as possible, but not later than 24 hours after receiveing the report, unless a shorter period is required by an agreement made between the Cybersecurity Infrastructure Security Agency and the recipient Federal agency. The Director may, and if the Director determines that it is necessary to ensure timely situational awareness, shall forward the report to the Center for Cyber Incident Reporting pursuant to section 2231(b) of the Homeland Security Act of 2002, as added by section 5103 of this title.

(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) shall not be construed to be a violation of any provision of law or policy that would otherwise prohibit, or obstruct the investigation of, or otherwise affect the discovery of any communication, document, material, or other record not created for the sole purpose of preparing, drafting, or submitting such report.

(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1) to protect information, including with respect to privacy, confidentiality, or information security, if those obligations would impose reporting requirements that this title or the amendments made by this title.

(4) FOIA EXEMPTION.—Any report received by the Director pursuant to paragraph (1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’).

(b) CREATION OF COUNCIL.—Section 1752(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 651), as amended—

(1) in paragraph (1)—

(A) in subparagraph (G), by striking ‘‘and’’ at the end;

(B) by redesignating subparagraph (H) as subparagraph (I); and

(C) by inserting after subparagraph (G) the following:

‘‘(H) lead an intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget, the Attorney General, and the Director of the Cybersecurity and Infrastructure Security Agency and in consultation with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment as defined in section 2201 (6 U.S.C. 651); and

(2) by adding at the end the following:

‘‘(3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.’’.

(c) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Attorney General, the Cyber Incident Reporting Council established in section 1752(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with the Director, the Attorney General, and regulatory authorities that receive reports relating to cyber incidents to identify duplicative, or burdensome requirements and procedures within that section.

(d) PRIORITY OF NOTIFICATIONS.—To the extent practicable, the Director shall ensure that notifications made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

(e) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Director, the Attorney General, and the Cyber Incident Reporting Council, in coordination with Sector Risk Management Agencies (as defined in section 1752(c)(1)(H)) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable—

(1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflicting, duplicative, or burdensome requirements; and

(2) coordinate with the Director, the Attorney General, and regulatory authorities that receive reports relating to cyber incidents to identify duplicative, or burdensome requirements and procedures within that section.

(f) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide additional authorities to the Director to identify vulnerabilities or vulnerable systems.

(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.
(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating agency, shall coordinate across the Federal Government and its contractors:

(A) Prioritization of intelligence-driven operations to disrupt specific ransomware actors,

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing support to the task force,

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware entities updated on an ongoing basis, that identifies—

(i) prioritization for Federal action by appropriate Federal agencies; and

(ii) identify metrics for success of said actions.

(D) Disrupting ransomware criminal actors, associated infrastructure, and their finances,

(E) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats,

(F) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(G) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(H) Any other activities determined appropriate by the task force to mitigate the threat of ransomware attacks against Federal and non-Federal entities,

(I) CLARIFYING PRIVATE SECTOR LAWFUL DEFENSIVE MEASURES.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in coordination with the Secretary of Homeland Security and the Attorney General, shall submit to the Committee on Homeland Security and Governmental Affairs and the Committee on the Judiciary of the Senate and the Committee on Homeland Security, the Committee on the Judiciary, and the Committee on Oversight and Reform of the House of Representatives a report that describes defensive measures that private sector actors can take when countering ransomware attacks and what laws need to be clarified to enable that action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to provide any additional authority to any Federal agency.

SEC. 5107. CONGRESSIONAL REPORTING.

(a) REPORT ON STAKEHOLDER ENGAGEMENT.—Not later than 30 days after the date on which the Director issues the final rule under section 2232(b) of the Homeland Security Act of 2002, as added by section 5103(b) of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 5105(c) in mitigating security vulnerabilities and the threat of ransomware.

(b) REPORT ON HOMELAND SECURITY VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 5106, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report, which may include a classification as appropriate to the effectiveness of the pilot program, which shall include a discussion of the following:

(1) The effectiveness of the notifications under section 5105(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerability systems mitigated under this pilot by the Agency during the preceding year.

(c) REPORT ON HARMONIZATION OF REPORTING REQUIREMENTS.—In general. Not later than 180 days after the date on which the National Cyber Director convenes the Council described in section 2217 of this Act, and annually thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and Governmental Affairs of the House of Representatives a report on the effectiveness of the enforcement mechanisms within section 2234 of the Homeland Security Act of 2002, as added by section 5103 of this title, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on a report on the effectiveness of the enforcement mechanisms within section 2234 of the Homeland Security Act of 2002, as added by section 5103 of this title.

TITLES LI—CISA TECHNICAL CORRECTIONS AND IMPROVEMENTS ACT OF 2021

SEC. 5201. SHORT TITLE.

This title may be cited as the “CISA Technical Corrections and Improvements Act of 2021."
The term ‘critical infrastructure’ means an information system used or operated by an agency or by another entity on behalf of an agency.

The term ‘agency information system’ means an information system used or operated by an agency.

The term ‘critical infrastructure interference, compromise, or incapacitation’ means an interference, compromise, or incapacitation of an information system or information that is stored on, processed by, or transiting an information system.

The term ‘critical infrastructure information’ means information not customarily or superseding document relating to the security of critical infrastructure or protected systems, including—

(A) actual, potential, or threatened interference, compromise, or incapacitation of critical infrastructure or protected systems by—

(i) a person or entity engaged in an information security incident;

(ii) another person or entity that is authorized to access the information;

(iii) another person or entity that is authorized to access the information;

(iv) another person or entity that is authorized to access the information;

(B) actual, potential, or threatened interference, compromise, or incapacitation of a person or entity engaged in an information security incident;

(C) any planned or past operational coordination with threat response activities.

The term ‘national cybersecurity asset response activities’ means—

(A) gathering and analyzing critical infrastructure information, including cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of cyber incidents, and to provide responses to critical infrastructure problems related to critical infrastructure, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or other entities that may be of assistance in carrying out the purposes specified in subparagraphs (A) and (B).

The term ‘information system’ has the meaning given in section 3502 of title 44, United States Code.

The term ‘intelligence community’ has the meaning given in the section in title 3 of the National Security Act of 1947 (50 U.S.C. 3008(a)).

The term “managed service provider” means an entity that delivers services, such as networking, application, infrastructure, or security services, to customers, via ongoing and regular support and active administration on the premises of a customer, in the data center of the entity (such as hosting), or in a third party data center.

The term “monitor” means to acquire, identify, or scan, to possess, information that is stored on, processed by, or transiting an information system.

The term “vulnerability” means the purpose of a cybersecurity threat.

The term “response” means—

(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks or incidents, to help prevent, detect, mitigate, or recover from the effects of cybersecurity risks and incidents, to help prevent, detect, mitigate, or recover from the effects of cybersecurity risks and incidents; and

(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities.

The term “potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;”

The term “facilitating information sharing and operational coordination with threat response capabilities;”

The term “providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.”

The term “ransom payment” means the transmission of any money or other property or valuable virtual currency, or any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

The term “ransomware attack” means—

(A) a cyber incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism such as a denial of service attack, to interrupt or disrupt the operation of an information system or compromise the confidentiality, availability, or integrity of electronic data stored on, processed by, or transiting an information system, or to extort a demand for a ransom payment; and

(B) does not include any such event where the demand for payment is made by a Federal entity, the owner or operator of the information system, or the demand for payment is made in connection with a ransomware attack.
system for third parties to identify vulnerabilities in the information system.

Sec. 2201. Definition.—In this subtitle, the term ‘Cybersecurity Advisory Committee’ means the advisory committee established under section 2219(a).''


(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

   Sec. 2200. Definitions.

   Sec. 2201. Definition.


(b) TECHNICAL AND CONFORMING AMENDMENTS.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(c) TABLE OF CONTENTS AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended—

(1) by inserting before the item relating to subtitle A of title XXII the following:

Sec. 2200. Definitions.

Sec. 2201. Definition.
SA 4815. Mr. SANDERS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

SEC. 1064. REQUIREMENT OF DENTAL CLINIC OF DEPARTMENT OF VETERANS AFFAIRS IN EACH STATE:

The Secretary of Veterans Affairs shall ensure that each State has a dental clinic of the Department of Veterans Affairs to service the needs of the veterans within that State by not later than September 30, 2024.

SA 4816. Mr. COONS submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Title —Sudan Democracy Act

SEC. 1. SHORT TITLE.

This subtitle may be cited as the “Sudan Democracy Act”.

SEC. 2. DEFINITIONS.

In this subtitle:

(1) AMERICAN ALIEN.—The terms “admitted” and “alien” have the meanings given to such terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 101).

(2) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means:

(A) the Committee on Appropriations of the Senate;
(B) the Committee on Appropriations of the House;
(C) the Committee on Foreign Affairs of the House of Representatives; and
(D) the Committee on Appropriations of the House of Representatives.

(3) FOREIGN PERSON.—The term “foreign person” means a person that is not a United States person.

(4) GROSS VIOLATIONS OF INTERNATIONAL HUMAN RIGHTS.—The term “gross violations of internationally recognized human rights” has the meaning given to such term in section 520B(4)(d)(1) of the Foreign Assistance Act of 1961 (22 U.S.C. 2304(b)(1))

(5) INTERATIONAL FINANCIAL INSTITUTIONS.—The term “international financial institutions” means—

(A) the International Monetary Fund;
(B) the International Bank for Reconstruction and Development;
(C) the International Development Association;
(D) the International Finance Corporation;
(E) the Inter-American Development Bank;
(F) the Asian Development Bank;
government, and on October 27, 2021, suspended Sudan from the Council until the civilian-led transitional government is restored.

(7) The Troika (the United States, United Kingdom, Norway), the European Union, and Switzerland "continue to recognize the Prime Minister and his cabinet as the constitutional leaders of the transitional government".

(8) The Sudanese people have condemned the military takeover and launched a campaign of civil disobedience, continuing the protests for democracy that began in late 2018 and reflecting a historic tradition of non-violence protests led by previous generations in Sudan against military regimes in 1964 and 1985.

(9) In response to public calls for civilian rule since the October 25, 2021, Sudanese security forces have arbitrarily detained civilians and used excessive and lethal force against peaceful protesters that has resulted in civilian deaths across the country.

(10) The October 25, 2021 military takeover represents a threat to—

(A) Sudan’s economic recovery and stability;

(B) the bilateral relationship between Sudan and the United States; and

(C) regional peace and security.

(b) SANCTIONS; EXCEPTIONS.—

(1) SANCTIONS.—

(A) Asset blocking.—Notwithstanding section 202 of the International Emergency Economic Powers Act (50 U.S.C. 1701), the exercise of all powers granted to the President by such Act to block and prohibit all transactions in all property and interests in property of a foreign person or entity described in paragraph (1) or of such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(B) aliens inadmissible for visas, admission, or parole.—

(i) Visas, admission, or parole.—An alien who the Secretary of State or the Secretary of Homeland Security (or a designee of one or more of such Secretaries) knows, or has reason to believe, meets any of the criteria described in subsection (a) shall be inadmissible to the United States; and

(ii) is otherwise ineligible to be admitted or paroled into the United States or to receive any other immigration benefit, the Secretary of State, or a designee of the Secretary of State, in accordance with section 221(i) of the Immigration and Nationality Act (8 U.S.C. 1101 et seq.), shall revoke any visa or other entry documentation issued to that alien or any other documentation to enter the United States; and

(ii) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—

A revocation under subsection (I) shall take effect immediately and shall automatically cancel any other valid immigration benefit or documentation that is in the alien’s possession.

(2) EXCEPTION TO COMPLY WITH UNITED NATIONALITY AND IMMIGRATION ACT.—Activities subject to the reporting requirements under title V of the National Security Act of 1947 (50 U.S.C. 3091 et seq.) and any authorized intelligence or law enforcement activities of the United States shall be exempt from sanctions under this section.

(3) Waiver.—The President may annually waive the application of sanctions imposed on a foreign person pursuant to subsection (a) if the President—

(i) determines that such waiver with respect to such foreign person is in the national interest of the United States; and

(ii) not later than the date on which such waiver will take effect, notifies Congress of, and justification for, such waiver to—

(A) the appropriate congressional committees;

(B) the Committee on Banking, Housing, and Urban Affairs of the Senate; and

(C) the Committee on Financial Services of the House of Representatives.

(4) sunset.—The requirement to impose sanctions under this section shall cease to be effective on December 31, 2026.

(s) Land Taken into Trust for Benefit of the Gila River Indian Community.

(a) Definitions.—In this section:

(1) BLACKWATER TRADING POST LAND.—The term ‘Blackwater Trading Post Land’ means the approximately 53.3 acres of land as depicted on the map that—

(A) is located in Pinal County, Arizona, and owned by Community land to the east, west, and north and State Highway 87 to the south; and

(B) is owned by the Community.

(2) Community.—The term ‘Community’ means the Gila River Indian Community of the Reservation.

(3) MAP.—The term ‘map’ means the map entitled ‘Results of Survey, Ellis Property, A Portion of the West ½ of Section 12, Township 5 South, Range 7 East, Gila and Salt River Meridian, Pinal County, Arizona’ and dated October 19, 1859 (11 Stat. 401, chapter LXVI), and Executive orders of August 31, 1876, June 14, 1879,
May 5, 1982, November 15, 1883, July 31, 1911, June 2, 1913, August 27, 1914, and July 19, 1915, and any other lands placed in trust for the benefit of the Community.

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

(b) LAND TAKEN INTO TRUST FOR BENEFIT OF THE GILA RIVER INDIAN COMMUNITY.—

(1) The Secretary shall take the Blackwater Trading Post Land into trust for the benefit of the Community, after the Community:

(A) submits to the Secretary a request to take the Blackwater Trading Post Land into trust for the benefit of the Community;

(B) conducts a survey (to the satisfaction of the Secretary) to determine the exact acreage and legal description of the Blackwater Trading Post Land, if the Secretary determines a survey is necessary; and

(C) pays all costs of any survey conducted under subparagraph (C).

(2) AVAILABILITY OF MAP.—Not later than 180 days after the Blackwater Trading Post Land is taken into trust under paragraph (1), the map shall be on file and available for public inspection in the appropriate offices of the Secretary.

(3) LANDS TAKEN INTO TRUST PART OF RESERVATION.—After the date on which the Blackwater Trading Post Land is taken into trust under paragraph (1), the land shall be treated as part of the Reservation.

(4) GAMING.—Class II and class III gaming under the Indian Gaming Regulatory Act (25 U.S.C. 2701 et seq.) shall not be allowed at any time on the land taken into trust under paragraph (1).

(5) DESCRIPTION.—Not later than 180 days after the date of enactment of this Act, the Secretary shall cause the full metes and bounds description of the Blackwater Trading Post Land to be published in the Federal Register. The description shall, on publication, constitute the official description of the Blackwater Trading Post Land.

SA 4818, Mr. BENNET submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Subtitle H—Long Wars Commission Act of 2021

SEC. 1291. SHORT TITLE.

This subtitle may be cited as the "Long Wars Commission Act of 2021."

SEC. 1292. ESTABLISHMENT OF COMMISSION.

(a) ESTABLISHMENT.—There is established in the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of title XII, add the following:

Under subparagraph (C).

One member appointed by the ranking minority member of the Committee on Foreign Relations of the Senate.

(E) One member appointed by the chair of the Committee on Armed Services of the House of Representatives.

(F) One member appointed by the ranking minority member of the Committee on Armed Services of the House of Representatives.

(G) One member appointed by the chair of the Committee on Foreign Affairs of the House of Representatives.

(H) One member appointed by the ranking minority member of the Committee on Foreign Relations of the Senate, the ranking minority member of the Committee on Foreign Affairs of the Senate, the ranking minority member of the Committee on Armed Services of the House of Representatives, and the ranking minority member of the Committee on Foreign Relations of the House of Representatives, the ranking minority member of the Senate Select Committee on Intelligence, and the ranking minority member of the House Permanent Select Committee on Intelligence shall jointly designate one member of the Commission to serve as co-chair of the Commission.

SEC. 1293. DUTIES.

(a) REVIEW.—The Commission shall review United States involvement in the conflicts in Afghanistan and Iraq beginning during the period prior to the September 11, 2001, attacks and ending on September 1, 2022, including military engagement, diplomatic engagement, training local armed forces, reconstruction efforts, foreign assistance, congressional oversight, and withdrawal in such conflicts.

(b) ASSESSMENT AND RECOMMENDATIONS.—The Commission shall:

(1) conduct a comprehensive assessment of United States involvement in the conflicts in Afghanistan and Iraq, including:

(A) United States military, diplomatic, and political objectives in the conflicts, and the extent to which those objectives were achievable;

(B) an evaluation of the interagency decisionmaking processes during the campaigns;

(C) an evaluation of the United States military’s conduct during the campaigns and the extent to which its operational approach compromised campaign progress;

(D) any regional and geopolitical threats to the United States resulting from the conflicts;

(E) the extent to which initial United States national objectives for the conflicts were met;

(F) long-term impact on United States relations with allied nations who participated in the Iraq and Afghanistan conflicts;

(G) the effectiveness of counterterrorism, counterinsurgency, and security force assistance strategies employed by the United States military;

(H) the effect of United States involvement in the conflicts on the readiness of the United States Armed Forces;

(I) the effect of United States involvement in the conflicts on civil-military relations in the United States;

(J) the implications of the use of funds for overseas contingency operations as a mechanism for funding United States involvement in the conflicts; and

(K) any other matters in connection with United States involvement in the conflicts the Commission considers appropriate;

(2) identify circumstances under which a conflict presents a significant likelihood of developing into an irregular or civil war; and

(3) develop recommendations based on the assessment, as well as any other information the Commission considers appropriate, for relevant questions to be asked during future deliberations by Congress of an authorization for use of military force in conflicts that have the potential to develop into an irregular or civil war.

(c) REPORT.—

(1) FINAL REPORT.—Not later than 2 years after the date of the enactment of this Act, the Commission shall submit to the President, the Secretary of Defense, the Committee on Armed Services, the Committee on Armed Services of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Foreign Affairs of the House of Representatives, the Senate Select Committee on Intelligence, and the House Permanent Select Committee on Intelligence a report on the Commission's conclusions and recommendations of the Commission under this section. The report shall do each of the following:
(a) Provide an assessment of the current security, political, humanitarian, and economic situation in Afghanistan and Iraq.

(b) Provide lessons learned from United States involvement in and withdrawal from the conflicts in Afghanistan and Iraq.

(c) Provide recommendations on questions to be asked during future deliberations by Congress of an evaluation for use at Camp Rhino and other locations of national intelligence in providing the Commission with analyses, briefings, and other information necessary for the discharge of the duties of the Commission.

(d) LIAISON.—The Secretary of Defense, the Secretary of State, and the Director of National Intelligence shall each designate at least one officer or employee of their respective organizations to serve as a liaison officer to the Commission.

SEC. 1293. COMMISSION PERSONNEL MATTERS.

(a) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government shall be paid at the rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the performance of the duties of the Commission.

(b) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized to agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(c) STAFF.—

(1) IN GENERAL.—The co-chairs of the Commission may, without regard to the civil service laws (including regulations), appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(2) QUALIFICATIONS FOR PERSONNEL.—The co-chairs of the Commission shall give preference in such appointments to individuals with significant professional experience in national security, such as a position in the Department of Defense, Department of State, the intelligence community, the United States Agency for International Development, or an academic or scholarly institution.

(d) COMPENSATION OF MEMBERS.—A member of the Commission who is not an officer or employee of the Federal Government may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(e) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The co-chairs of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of that title.

(f) DETAIL OF GOVERNMENT EMPLOYEES.—A Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(g) USE OF MILITARY PERSONNEL.—The co-chairs of the Commission may use federal personnel, including military personnel, in their performance of the duties of the Commission.

(h) PRESCRIPTION OF MILITARY PAY.—The compensation of the executive director and other personnel of the Commission shall be prescribed by the co-chairs of the Commission.

(i) USE OF MILITARY FORCE.—The use of military force and nation-building, in future foreign policy engagements.

(j) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(k) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(l) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(m) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(n) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(o) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(p) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(q) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(r) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.

(s) USE OF MILITARY PERSONNEL.—In future foreign policy engagements.
SA 4820. Mr. COTTON (for himself, Mr. MANCHIN, Mr. TUBERVILLE, and Mr. KELLY) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Subtitle D—Extraction and Processing of Critical Minerals in the United States

SEC. 1431. SHORT TITLE.

This subtitle may be cited as the “Restoring Essential Energy and Security Holdings Onshore for Rare Earths and Critical Minerals Act of 2021” or the “REEShore Critical Minerals Act of 2021”.

SEC. 1432. DEFINITIONS.

In this subtitle:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term “appropriate congressional committees” means—

(A) the Committee on Armed Services, the Committee on Foreign Relations, the Committee on Natural Resources, the Committee on Commerce, Science, and Transportation, and the Select Committee on Intelligence of the Senate; and

(B) the Committee on Armed Services, the Committee on Foreign Affairs, the Committee on Natural Resources, the Committee on Energy and Commerce, and the Permanent Select Committee on Intelligence of the House of Representatives.

(2) CRITICAL MINERAL.—The term “critical mineral” has the meaning given that term in section 7002(a) of the Energy Act of 2020 (division V of Public Law 116-266; 30 U.S.C. 1606a(a)).

(3) DEFENSE MINERAL PRODUCT.—The term “defense mineral product” means any product—

(A) formed or comprised of, or manufactured from, one or more critical minerals; and

(B) used in critical military defense technologies or other related applications of the Department of Defense.

(4) PROCESSED OR REFINED.—The term “processed or refined” means any process by which a defense mineral is extracted, separated, or otherwise manipulated to render the mineral usable for manufacturing a defense mineral product.

SEC. 1433. REPORT ON STRATEGIC CRITICAL MINERAL AND DEFENSE MINERAL PRODUCTS PROSYSTEM RESERVE.

(a) FINDINGS.—Congress finds that the storage of substantial quantities of critical minerals and defense mineral products will—

(1) increase the vulnerability of the United States to the effects of a severe supply chain interruption; and

(2) provide limited protection from the short-term consequences of an interruption in supplies of defense mineral products.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the Department of Defense should prioritize procurement of critical minerals and defense mineral products that are native to the United States, including that are mined, produced, separated, and manufactured within the United States.

(c) REPORT REQUIRED.

(1) IN GENERAL.—Not later than 270 days after the date of the enactment of this Act, the Secretary of the Interior, acting through the United States Geologic Survey, and the Secretary of Defense, in consultation with the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, the Secretary of Commerce, and the Director of National Intelligence, shall jointly submit to the appropriate congressional committees a report—

(A) describing the existing authorities and funding levels including those of the Department of Energy, the Federal Government to stockpile critical minerals and defense mineral products;

(B) assessing whether those authorities and funding levels are sufficient to meet the requirements of the United States; and

(C) including recommendations to diminish the vulnerability of the United States to disruptions in the supply chains for critical minerals and defense mineral products through changes to policy, procurement regulation, or existing law, including any additional statutory authorities that may be needed.

(2) CONSIDERATIONS.—In developing the report required by paragraph (1), the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Intelligence shall take into consideration the needs of the Armed Forces of the United States, including—

(A) data on the provenance of critical minerals from foreign sources, with an emphasis on current levels of provenance data that includes—

(i) an identification of the country or countries from which the critical mineral is mined, processed, or refined; and

(ii) an identification of the country or countries from which the critical mineral was sintered or bonded and magnetized; and

(B) the critical minerals were refined into oxides;

(C) the critical minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized;

and

(3) disclosing any other data that the Secretary of Defense and the Secretary of the Interior, acting through the United States Geologic Survey, believe would shed light on the provenance of critical minerals and defense mineral products.

(2) CONSIDERATIONS.—In developing the report required by paragraph (1), the Secretary of the Interior, the Secretary of Defense, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the Cybersecurity and Infrastructure Security Agency, and the Director of National Intelligence shall take into consideration the needs of the Armed Forces of the United States, including—

(A) the critical minerals used in the magnet were mined;

(B) the critical minerals were refined into oxides;

(C) the critical minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized;

and

(3) disclosing any other data that the Secretary of Defense and the Secretary of the Interior, acting through the United States Geologic Survey, believe would shed light on the provenance of critical minerals and defense mineral products.

SEC. 1434. REPORT ON DISCLOSURES CONCERNING CRITICAL MINERALS BY CONTRACTORS OF DEPARTMENT OF DEFENSE.

(a) REPORT REQUIRED.—Not later than December 31, 2022, the Secretary of Defense, after consultation with the Secretary of Commerce, the Secretary of State, and the Secretary of the Interior, shall submit to the appropriate congressional committees a report—

(1) a review of the existing disclosure requirements with respect to the provenance of magnets used within defense mineral products;

(2) a review of the feasibility of imposing a requirement that any contractor of the Department of Defense provide a disclosure of the existing system with a defense mineral product that is a permanent magnet, including an identification of the country or countries in which—

(A) the critical minerals used in the magnet were mined;

(B) the critical minerals were refined into oxides;

(C) the critical minerals were made into metals and alloys; and

(D) the magnet was sintered or bonded and magnetized;

and

(3) recommendations to Congress for implementing such a requirement, including methods to ensure that any tracking or provenance system is independently verifiable.

SEC. 1435. REPORT ON PROHIBITION ON ACQUISITION OF DEFENSE MATERIALS FROM NON-ALLIED FOREIGN NATIONS.

The Secretary of Defense shall study and submit to the appropriate congressional committees a report on the potential impacts of imposing a restriction that, for any contract entered into or renewed on or after December 31, 2026, for the procurement of a system the export of which is restricted or controlled under the Arms Export Control Act (22 U.S.C. 2751 et seq.), no critical minerals processed or refined in the People’s Republic of China may be included in the system.

SEC. 1436. PRODUCTION IN AND USES OF CRITICAL MINERALS BY UNITED STATES ALLIES.

(a) POLICY.—It shall be the policy of the United States to encourage countries that are allies of the United States to identify alternatives, to the maximum extent practicable, to the use of critical minerals from foreign entities of concern.

(b) REPORT REQUIRED.—Not later than December 31, 2022, and annually thereafter, the Secretary of Defense, in coordination with the Secretary of State, shall submit to the appropriate congressional committees a report—

(1) describing the discussions of such Secretaries with countries that are allies of the United States concerning supply chain security for critical minerals; and

(2) assessing the likelihood of those countries identifying alternatives, to the maximum extent practicable, to the use of critical minerals from foreign entities of concern or countries that such Secretaries deem to be of concern; and

(3) assessing initiatives in other countries to increase critical mineral mining and production capabilities.

SEC. 1437. FOREIGN ENTITY OF CONCERN DEFINED.

In this section, the term “foreign entity of concern” has the meaning given that term in section 9901(6) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (15 U.S.C. 4651(6)).

SA 4821. Mr. BROWN (for himself and Mr. WARNER) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for national security activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place in title II, insert the following:

SEC. — MINORITY INSTITUTE FOR DEFENSE RESEARCH.

(a) PLAN TO PROMOTE DEFENSE RESEARCH AT MINORITY INSTITUTIONS.—

(1) IN GENERAL.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense shall submit to the congressional defense committees a plan (in this section referred to as the “Plan”)—

(A) to promote defense research activities at minority institutions to elevate the defense research capacity of minority institutions; and

(B) for the establishment of the Minority Institute for Defense Research (in this section referred to as the “Institute”).

(2) ELEMENTS.—The Plan shall include the following:

(A) An assessment relating to the engineering, research, and development capabilities, including the workforce, administrative support, and physical research infrastructure, of minority institutions and their ability to participate in defense research and engineering activities and effectively compete for defense research contracts; and

(B) An assessment of the activities and investments necessary to elevate minority institutions or a consortium of minority institutions to participate at the level of DOD research institutions and increase their participation...
with a university-affiliated research center to establish or maintain a partnership with a specific covered educational institution or consortium of covered educational institutions that may be taken by the Department of Defense, for military activities of the Department of Defense, for military construction, and for defense activities for the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for such purposes; which was ordered to lie on the table; as follows:

Strike section 833 and insert the following:

SEC. 833. DETERMINATION WITH RESPECT TO OPTICAL FIBER AND OPTICAL FIBER CABLE FOR DEPARTMENT OF DEFENSE PURPOSES.

(a) DETERMINATION.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce, in consultation with the Secretary of Defense and the Director of the Cybersecurity and Infrastructure Security Agency, shall determine whether such access, metro, and long-haul passive optical fiber and optical fiber cable that is manufactured or produced by an entity owned or controlled by the People’s Republic of China pose an unacceptable risk to the national security of the United States or the security and safety of United States persons pursuant to section 2(b)(1) of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. 1601(b)(1)).

(2) APPLICABILITY.—If the Secretary of Commerce makes a determination that any such optical fiber or optical fiber cable would pose an unacceptable risk to the national security of the United States or the security and safety of United States persons, and the Commission makes the determination required under section 2(b)(2) of the Secure and Trusted Communications Networks Act (47 U.S.C. 1601(h)), the inclusion of such optical fiber and optical fiber cable on the covered communications equipment and services list shall apply only to such optical fiber or optical fiber cable deployed after such determination.

(b) NOTIFICATION REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Commerce shall notify the congressional defense committees, the Committee on Commerce, Science, and Transportation of the Senate, and the Committee on Energy and Commerce of the House of Representatives of the findings of the review and determination required under subsection (a), publish the determination in the Federal Register, and submit that determination to the relevant Federal agencies, including the Department of Defense, the Cybersecurity and Infrastructure Security Agency, and the Federal Communications Commission.

(c) SAVINGS CLAUSE.—No determination made under section (a) shall impact the current filing and reimbursement process for the Secure and Trusted Communications Networks Reimbursement Program at the Federal Communications Commission.

(d) DEFINITIONS.—In this section—

(1) The term “access” means optical fiber and optical fiber cable that connects subscribers (residential and business) and radio sites to a service provider.

(2) The term “control” means the ability to determine the outcome of decision-making by the company through the strategic policy setting exercised by boards of directors or similar organizational governance bodies and the day-to-day management and administration of business operations as overseen by principals.

(3) The term “long haul” means optical fiber and optical fiber cable that connects central and metropolitan business locations.

(4) The term “metro” means optical fiber and optical fiber cable that connects city
business districts and central city and suburban areas. (5) The term “passive” means unpowered optical fiber and optical fiber cable.

**SA 4823.** Mr. MARKEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for the fiscal year 2022 for military activities of the Department of Energy, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

Strike section 6505 and insert the following:

SEC. 6505. BRIEFING ON CONSULTATIONS WITH UNITED STATES ALLIES REGARDING NUCLEAR POSTURE REVIEW.

(a) IN GENERAL.—Not later than January 31, 2022, the Secretary of Defense, in coordination with the Secretary of State, shall brief the appropriate congressional committees on all consultations with United States allies and related matters regarding the 2021 Nuclear Posture Review.

(b) ELEMENTS.—The briefing required by subsection (a) shall include the following:

(1) A listing of all countries consulted with respect to the Nuclear Posture Review, including the dates and circumstances of each such consultation and the countries present;

(2) An overview of the topics and concepts discussed with each such country during such consultations, including any discussion of policy changes to the nuclear declaratory policy of the United States;

(3) A summary of any feedback provided during such consultations;

(4) A description of the consultations conducted by the Department of Defense and the Department of State with experts outside such Departments and civil society organizations with respect to the 2021 Nuclear Posture Review;

(5) A listing of the consultants who participated in the 2021 Nuclear Posture Review in a formal capacity;

(6) An identification of the options related to United States nuclear force structure and nuclear doctrine that were presented to the President by the Department of Defense.

**SA 4824.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title X, add the following:

**SEC. 1064. ENSURING CONSIDERATION OF THE NATIONAL SECURITY IMPACTS OF URANIUM AS A CRITICAL MINERAL.

(a) IN GENERAL.—The Secretary of Defense, in coordination with the Secretary of Energy, the Secretary of the Interior (acting through the Director of the United States Geological Survey), and the Secretary of Commerce, shall conduct an assessment of the effect on national security that may result from uranium ceasing to be designated as a critical mineral by the Secretary of the Interior pursuant to section 7002(c) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(c)).

(b) REPORT.—Not later than 180 days after enactment of this Act, the Secretary of Defense shall submit to the appropriate committees of Congress a report on the findings of the assessment conducted under subsection (a), including an assessment of:

(1) any effects the change in designation described in that subsection may have on domestic uranium production;

(2) any effects of the reliance of the United States on imports of uranium from foreign sources, including state-owned entities, to supply fuel for commercial reactors;

(3) the effects of such reliance and other factors on the domestic production, conversion, fabrication, and enrichment of uranium as it relates to national security, including energy security purposes; and

(4) any effects of Federal national security programs, including existing and future uses of unobligated, United States-origin uranium.

(c) RECOMMENDATION ON URANIUM CRITICAL MINERAL DESIGNATION.—The report required by subsection (b) shall include a recommendation to the Secretary of the Interior regarding the interest of the United States to consider uranium for future designation as a critical mineral pursuant to section 7002(c) of the Energy Act of 2020 (division Z of Public Law 116-260; 30 U.S.C. 1606(c)).

(d) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this section, the term “appropriate committees of Congress” means:

(1) the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Commerce, Science, and Transportation of the Senate; and

(2) the Committee on Armed Services, the Committee on Energy and Commerce, and the Committee on Natural Resources of the House of Representatives.

**SA 4825.** Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Energy, to prescribe military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

**SEC. 2. HA–LEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS.

Section 2001 of the Energy Act of 2020 (42 U.S.C. 16281) is amended—

(1) in subsection (a)—

(A) in paragraph (2)—

(i) in subparagraph (D)—

(I) in clause (v)(III), by adding “or after” before the semicolon at the end;

(II) by striking clause (vi); and

(III) by redesignating clause (vii) as clause (vi), and

(ii) in subparagraph (E), by striking “for domestic commercial use” and inserting “to meet the needs of commercial, government, academic, and international entities”;

(B) by redesignating paragraphs (6) and (7) as paragraphs (8) and (6), respectively, and moving the paragraphs so as to appear in numerical order;

(2) in subsection (b)(2)—

(A) by striking “subsection (a)(1)” each place it appears and inserting “subsection (b)(1)”;

(B) in subparagraph (b)(2)(F), by striking “subsection (a)(2)(F)” and inserting “subsection (b)(2)(F)”;

(C) in subparagraph (d)(vi), by striking “subsection (a)(2)(A)” and inserting “subsection (b)(2)(A)”;

(D) in subsection (c)—

(A) by redesignating paragraphs (1) through (5) as subparagraphs (A) through (E), respectively, and indenting appropriately; and

(B) in the matter preceding subparagraph (A) as so redesignated—

(i) by striking “There are” and inserting the following:

(1) A Listing of all countries consulted with respect to the 2021 Nuclear Posture Review;

(2) A Description of the consultations conducted by the Department of Defense and the Department of State with experts outside such Departments and civil society organizations with respect to the 2021 Nuclear Posture Review;

(3) A Listing of the consultants who participated in the 2021 Nuclear Posture Review in a formal capacity;

(4) An Identification of the options related to United States nuclear force structure and nuclear doctrine that were presented to the President by the Department of Defense.

(2) Ownership.—HA–LEU made available under this subsection—

(1) shall remain the property of, and title to, the United States; and

(2) shall remain with, the Department; and

(C) in subparagraph (D), by redesignating paragraphs (1) through (6) as subparagraphs (B) through (G), respectively, and indenting appropriately; and

(D) in paragraph (3) as so redesignated—

(1) by redesigning paragraphs (1) through (6) as paragraphs (A) through (E), respectively, and indenting appropriately; and

(2) by inserting after paragraph (2) (as so redesignated) the following:

“HA–LEU FOR ADVANCED NUCLEAR REACTOR DEMONSTRATION PROJECTS.

(1) ACTIVITIES.—Not later than 30 days after the date of enactment of the National Defense Authorization Act for Fiscal Year 2023, the Secretary shall initiate activities to make available HA–LEU, produced from inventories owned by the Department, for use by advanced nuclear reactors, with priority given to the development of advanced nuclear reactors for commercial use. The Secretary shall make available HA–LEU to be made available to members of the consortium established under subsection (b)(2)(F), as available;

(2) OWNERSHIP.—HA–LEU made available under this subsection—

(A) shall remain the property of, and title shall remain with, the Department; and

(B) shall not be subject to the requirements of section 3121(d)(2) and 3113 of the USEC Privatization Act (42 U.S.C. 2297h-10(d)(2), 2297h-11).

(3) QUANTITY.—In carrying out activities under this subsection, the Secretary, to the maximum extent practicable, shall make available—

(A) by September 30, 2024, not less than 3 metric tons of HA–LEU; and

(B) by December 31, 2025, not less than an additional 15 metric tons of HA–LEU.

(4) FACTORS FOR CONSIDERATION.—In carrying out activities under this subsection, the Secretary shall take into consideration—

(A) the potential economic benefits of HA–LEU and its availability to United States industrial activities (including the United States Nuclear Security Administration), including—
(1) fuel that—
  (1) directly meets the needs of the end-users described in paragraph (1); but
  (2) has been previously used or fabricated for other purposes, but for which material could be swappled or replaced in time in such a manner that would not negatively impact the missions of the Department;
  (B) options for providing HA–LEU from domestically enriched HA–LEU procured by the Department through a competitive process pursuant to the HA–LEU Bank established under subsection (d)(3)(C); and
  (C) options to establish, through a competitive process, a HA–LEU Bank—
     (i) to replenish Department stockpiles of material used in carrying out activities under subsection (c); and
     (ii) after replenishing those stockpiles, to make HA–LEU available to members of the consortium established under subsection (b)(2)(F).
  (4) APPROPRIATIONS.—In addition to amounts otherwise made available, there is appropriated to the Department for carrying out any activities related to making HA–LEU available pursuant to this subsection, out of any amounts in the Treasury not otherwise appropriated, $150,000,000 for each of fiscal years 2022 through 2031.
  (e) COST RECOVERY.—
     (1) IN GENERAL.—In carrying out activities under subsections (c) and (d), the Secretary shall ensure that any HA–LEU acquired, provided, or made available under those subsections for members of the consortium established under subsection (b)(2)(F) is subject to cost recovery in accordance with subsection (b)(2)(G).
     (2) AVAILABILITY OF CERTAIN FUNDS.—Notwithstanding section 3302 of title 31, United States Code, revenues received from the sale or transfer of fuel feed material and other activities related to making HA–LEU available pursuant to this subsection—
       (A) shall be available to the Department for carrying out the purposes of this section, to reduce the need for further appropriations for those purposes; and
       (B) shall remain available until expended.
  (f) EXCLUSION.—In carrying out activities under this section, the Secretary shall not take available funding for uranium that is recovered, downblended, converted, or enriched by an entity that—
     (1) is owned or controlled by the Government of the Russian Federation or the Government of the People’s Republic of China;
     (2) is organized under the laws of, or otherwise subject to the jurisdiction of, the Russian Federation or the People’s Republic of China.

SA 4826. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4330, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle G of title XII, add the following:

SEC. 1283. SENSE OF CONGRESS ON THE NECESSITY OF MAINTAINING THE UNITED NATIONS ARMS EMBARGO ON SOUTH SUDAN UNTIL CONDITIONS FOR PEACE, STABILITY, DEMOCRACY, AND DEVELOPMENT.

It is the sense of Congress that—

(1) the signatories to the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan, signed on September 12, 2018, have delayed implementation, leading to continued conflict and instability in South Sudan;
(2) despite years of fighting, 2 peace agreements, punitive actions by the international community, and widespread suffering among civilian populations, the leaders of South Sudan have failed to achieve peace;
(3) the United Nations arms embargo on South Sudan, most recently extended by 1 year to May 31, 2022, through United Nations Security Council Resolution 2577 (2021), is a necessary act by the international community to stem the illicit transfer and destabilizing accumulation and misuse of small arms and light weapons in perpetuation of the conflict in South Sudan;
(4) the United States should call on other member states of the United Nations to redouble efforts to enforce the United Nations arms embargo on South Sudan; and
(5) the United States, through the United States Mission to the United Nations, should use its voice and vote in the United Nations Security Council in favor of maintaining the United Nations arms embargo on South Sudan until—
   (A) the Revitalized Agreement on the Resolution of the Conflict in the Republic of South Sudan is fully implemented; or
   (B) credible, fair, and transparent democratic elections are held in South Sudan.

SA 4828. Mr. BLUMENTHAL submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4330, to authorize appropriations for fiscal year
2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, insert the following:

SEC. 1216. STRATEGY TO SUPPORT NATIONALS OF AFGHANISTAN WHO ARE APPLICANTS FOR SPECIAL IMMIGRANT VISAS OR FOR REFERRAL TO THE UNITED STATES REFUGEE ADMIS-
SIONS PROGRAM.

(a) SENSE OF CONGRESS.—It is the sense of Congress that United States should increase support for nationals of Afghanistan who aided the United States mission in Afghanistan during the past 20 years and are now under threat from the Taliban, specifically such nationals of Afghanistan, in Afghanistan or third countries, who are applicants for:

(1) special immigrant visas under the Afghan Allies Protection Act of 2009 (8 U.S.C. 1101 note; Public Law 111–8) or section 1059 of the National Defense Authorization Act for Fiscal Year 2020 (8 U.S.C. 1101 note; Public Law 116–193); or

(2) referral to the United States Refugee Admissions Program as refugees (as defined in section 4(b)(2) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(2))), including as Priority 2 refugees.

(b) STRATEGY.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a strategy for the safe processing abroad of nationals of Afghanistan described in subsection (a)

(A) to prioritize for evacuation from Afghanistan nationals of Afghanistan described in subsection (a);

(B) to provide for expedited initial security vetting of nationals of Afghanistan, to be conducted remotely before their departure from Afghanistan;

(C) to facilitate, after such vetting, the rapid evacuation of Afghan nationals by air charter and land passage of such nationals of Afghanistan who satisfy the requirements of such vetting;

(D) to provide letters of support, diplomatic notes, and other documentation, as appropriate, to ease transit for such nationals of Afghanistan;

(E) to engage governments of relevant countries to better facilitate evacuation of such nationals of Afghanistan;

(F) to disseminate frequent updates to such nationals of Afghanistan and relevant nongovernmental organizations with respect to evacuation from Afghanistan;

(G) to identify and establish sufficient locations outside Afghanistan and the United States that will accept such nationals of Afghanistan during application processing (including during the processes of vetting and establishing the eligibility of such nationals of Afghanistan before their travel to the United States, which shall include any required in-person interviews) for;

(i) the special immigrant visas described in paragraph (1) of subsection (a); or

(ii) referral to the United States Refugee Admissions Program described in paragraph (2) of subsection (a);

(H) to identify necessary resource, personnel, and equipment requirements to increase capacity to better support such nationals of Afghanistan and reduce their application processing times, while ensuring strict and necessary security vetting, including, to the extent feasible, by allowing such nationals of Afghanistan to receive referrals to the United States Refugee Admissions Program while they are still in Afghanistan so as to reduce application processing more expeditiously; and

(1) to provide for relocation outside Afghanistan to third countries for nationals of Afghanistan described in subsection (a) who are unable to successfully complete security vetting and application processing to establish eligibility to travel to the United States.

(2) FORM.—The strategy required by paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(c) MONTHLY REPORT.—

(1) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and monthly thereafter until December 31, 2022, the Secretary of State, in coordination with the Secretary of Homeland Security and the heads of other relevant Federal departments and agencies, shall submit to the appropriate committees of Congress a report on efforts to support nationals of Afghanistan described in subsection (a).

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) The number of nationals of Afghanistan referred to the United States Refugee Admissions Program as Priority 1 and Priority 2 refugees since August 29, 2021;

(B) An assessment of whether each such refugee—

(i) remains in Afghanistan; or

(ii) is outside of Afghanistan;

(C) With respect to nationals of Afghanistan who have applied for referral to the United States Refugee Program, the number applications that—

(i) have been approved;

(ii) have been denied; and

(iii) are pending adjudication;

(D) The number of nationals of Afghanistan who have pending applications for special immigrant visas described in subsection (a)(1), disaggregated by the special immigrant visa processing steps completed with respect to such individuals;

(E) A description of the measures taken to implement the strategy under subsection (b), including:

(i) efforts to implement strategies for the rapid evacuation of Afghan nationals by air charter and land passage;

(ii) efforts to establish additional locations for the processing of such nationals; and

(iii) strategies for the reprogramming of funds for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end of subtitle B of title XII, insert the following:

SEC. 1043. HONORING HERSHEY WOODROW "WOODY" WILLIAMS AS THE LAST SURVIVING MEDAL OF HONOR RECIPIENT OF WORLD WAR II.

(a) USE OF Rotunda.—Upon his death, Hershel Woodrow "Woody" Williams, who is the last surviving recipient of the Medal of Honor for acts during World War II, shall be permitted to lie in state in the rotunda of the United States Capitol if he or his next of kin so elects.

(b) IMPLEMENTATION.—The Architect of the Capitol, under the direction of the President pro tempore of the Senate and the Speaker of the House of Representatives, shall take the necessary steps to implement subsection (a).

SA 4831. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:

At the end, add the following:

DIVISION E—FEDERAL INFORMATION SECURITY MODERNIZATION ACT OF 2021

SEC. 5101. SHORT TITLE.

This division may be cited as the “Federal Information Security Modernization Act of 2021”.

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In this division, unless otherwise specified:
(1) ADDITIONAL CYBERSECURITY PROCEDURE.—The term ‘‘additional cybersecurity
procedure’’ has the meaning given the term
in section 3552(b) of title 44, United States
Code, as amended by this division.
(2) AGENCY.—The term ‘‘agency’’ has the
meaning given the term in section 3502 of
title 44, United States Code.
(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ‘‘appropriate congressional
committees’’ means—
(A) the Committee on Homeland Security
and Governmental Affairs of the Senate;
(B) the Committee on Oversight and Reform of the House of Representatives; and
(C) the Committee on Homeland Security
of the House of Representatives.
(4) DIRECTOR.—The term ‘‘Director’’ means
the Director of the Office of Management
and Budget.
(5) INCIDENT.—The term ‘‘incident’’ has the
meaning given the term in section 3552(b) of
title 44, United States Code.
(6) NATIONAL SECURITY SYSTEM.—The term
‘‘national security system’’ has the meaning
given the term in section 3552(b) of title 44,
United States Code.
(7) PENETRATION TEST.—The term ‘‘penetration test’’ has the meaning given the term in
section 3552(b) of title 44, United States
Code, as amended by this division.
(8) THREAT HUNTING.—The term ‘‘threat
hunting’’ means proactively and iteratively
searching for threats to systems that evade
detection by automated threat detection systems.
TITLE LI—UPDATES TO FISMA

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SEC. 5121. TITLE 44 AMENDMENTS.
(a) SUBCHAPTER I AMENDMENTS.—Sub-

chapter I of chapter 35 of title 44, United
States Code, is amended—
(1) in section 3504—
(A) in subsection (a)(1)(B)—
(i) by striking clause (v) and inserting the
following:
‘‘(v) confidentiality, privacy, disclosure,
and sharing of information;’’;
(ii) by redesignating clause (vi) as clause
(vii); and
(iii) by inserting after clause (v) the following:
‘‘(vi) in consultation with the National
Cyber Director and the Director of the Cybersecurity and Infrastructure Security
Agency, security of information; and’’; and
(B) in subsection (g), by striking paragraph
(1) and inserting the following:
‘‘(1) develop, and in consultation with the
Director of the Cybersecurity and Infrastructure Security Agency and the National
Cyber Director, oversee the implementation
of policies, principles, standards, and guidelines on privacy, confidentiality, security,
disclosure and sharing of information collected or maintained by or for agencies;
and’’;
(2) in section 3505—
(A) in paragraph (3) of the first subsection
designated as subsection (c)—
(i) in subparagraph (B)—
(I) by inserting ‘‘the Director of the Cybersecurity and Infrastructure Security Agency,
the National Cyber Director, and’’ before
‘‘the Comptroller General’’; and
(II) by striking ‘‘and’’ at the end;
(ii) in subparagraph (C)(v), by striking the
period at the end and inserting ‘‘; and’’; and
(iii) by adding at the end the following:
‘‘(D) maintained on a continual basis
through the use of automation, machinereadable data, and scanning.’’; and
(B) by striking the second subsection designated as subsection (c);
(3) in section 3506—
(A) in subsection (b)(1)(C), by inserting ‘‘,
availability’’ after ‘‘integrity’’; and

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SEC. 5102. DEFINITIONS.

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(B) in subsection (h)(3), by inserting ‘‘security,’’ after ‘‘efficiency,’’; and
(4) in section 3513—
(A) by redesignating subsection (c) as subsection (d); and
(B) by inserting after subsection (b) the
following:
‘‘(c) Each agency providing a written plan
under subsection (b) shall provide any portion of the written plan addressing information security or cybersecurity to the Director of the Cybersecurity and Infrastructure
Security Agency.’’.
(b) SUBCHAPTER II DEFINITIONS.—
(1) IN GENERAL.—Section 3552(b) of title 44,
United States Code, is amended—
(A) by redesignating paragraphs (1), (2), (3),
(4), (5), (6), and (7) as paragraphs (2), (3), (4),
(5), (6), (9), and (11), respectively;
(B) by inserting before paragraph (2), as so
redesignated, the following:
‘‘(1) The term ‘additional cybersecurity
procedure’ means a process, procedure, or
other activity that is established in excess of
the information security standards promulgated under section 11331(b) of title 40 to increase the security and reduce the cybersecurity risk of agency systems.’’;
(C) by inserting after paragraph (6), as so
redesignated, the following:
‘‘(7) The term ‘high value asset’ means information or an information system that the
head of an agency determines so critical to
the agency that the loss or corruption of the
information or the loss of access to the information system would have a serious impact
on the ability of the agency to perform the
mission of the agency or conduct business.
‘‘(8) The term ‘major incident’ has the
meaning given the term in guidance issued
by the Director under section 3598(a).’’;
(D) by inserting after paragraph (9), as so
redesignated, the following:
‘‘(10) The term ‘penetration test’ means a
specialized type of assessment that—
‘‘(A) is conducted on an information system or a component of an information system; and
‘‘(B) emulates an attack or other exploitation capability of a potential adversary,
typically under specific constraints, in order
to identify any vulnerabilities of an information system or a component of an information system that could be exploited.’’; and
(E) by inserting after paragraph (11), as so
redesignated, the following:
‘‘(12) The term ‘shared service’ means a
centralized business or mission capability
that is provided to multiple organizations
within an agency or to multiple agencies.’’.
(2) CONFORMING AMENDMENTS.—
(A) HOMELAND SECURITY ACT OF 2002.—Section 1001(c)(1)(A) of the Homeland Security
Act of 2002 (6 U.S.C. 511(1)(A)) is amended by
striking ‘‘section 3552(b)(5)’’ and inserting
‘‘section 3552(b)’’.
(B) TITLE 10.—
(i) SECTION 2222.—Section 2222(i)(8) of title
10, United States Code, is amended by striking ‘‘section 3552(b)(6)(A)’’ and inserting
‘‘section 3552(b)(9)(A)’’.
(ii) SECTION 2223.—Section 2223(c)(3) of title
10, United States Code, is amended by striking ‘‘section 3552(b)(6)’’ and inserting ‘‘section 3552(b)’’.
(iii) SECTION 2315.—Section 2315 of title 10,
United States Code, is amended by striking
‘‘section 3552(b)(6)’’ and inserting ‘‘section
3552(b)’’.
(iv) SECTION 2339A.—Section 2339a(e)(5) of
title 10, United States Code, is amended by
striking ‘‘section 3552(b)(6)’’ and inserting
‘‘section 3552(b)’’.
(C) HIGH-PERFORMANCE COMPUTING ACT OF
1991.—Section 207(a) of the High-Performance
Computing Act of 1991 (15 U.S.C. 5527(a)) is
amended
by
striking
‘‘section

PO 00000

Frm 00111

Fmt 0624

Sfmt 0634

3552(b)(6)(A)(i)’’
and
inserting
‘‘section
3552(b)(9)(A)(i)’’.
(D) INTERNET OF THINGS CYBERSECURITY IMPROVEMENT ACT OF 2020.—Section 3(5) of the
Internet of Things Cybersecurity Improvement Act of 2020 (15 U.S.C. 278g–3a) is amended by striking ‘‘section 3552(b)(6)’’ and inserting ‘‘section 3552(b)’’.
(E) NATIONAL DEFENSE AUTHORIZATION ACT
FOR FISCAL YEAR 2013.—Section 933(e)(1)(B) of
the National Defense Authorization Act for
Fiscal Year 2013 (10 U.S.C. 2224 note) is
amended by striking ‘‘section 3542(b)(2)’’ and
inserting ‘‘section 3552(b)’’.
(F) IKE SKELTON NATIONAL DEFENSE AUTHORIZATION ACT FOR FISCAL YEAR 2011.—The Ike
Skelton National Defense Authorization Act
for Fiscal Year 2011 (Public Law 111–383) is
amended—
(i) in section 806(e)(5) (10 U.S.C. 2304 note),
by striking ‘‘section 3542(b)’’ and inserting
‘‘section 3552(b)’’;
(ii) in section 931(b)(3) (10 U.S.C. 2223 note),
by striking ‘‘section 3542(b)(2)’’ and inserting
‘‘section 3552(b)’’; and
(iii) in section 932(b)(2) (10 U.S.C. 2224
note), by striking ‘‘section 3542(b)(2)’’ and inserting ‘‘section 3552(b)’’.
(G) E-GOVERNMENT ACT OF 2002.—Section
301(c)(1)(A) of the E-Government Act of 2002
(44 U.S.C. 3501 note) is amended by striking
‘‘section 3542(b)(2)’’ and inserting ‘‘section
3552(b)’’.
(H) NATIONAL INSTITUTE OF STANDARDS AND
TECHNOLOGY ACT.—Section 20 of the National
Institute of Standards and Technology Act
(15 U.S.C. 278g–3) is amended—
(i) in subsection (a)(2), by striking ‘‘section
3552(b)(5)’’ and inserting ‘‘section 3552(b)’’;
and
(ii) in subsection (f)—
(I) in paragraph (3), by striking ‘‘section
3532(1)’’ and inserting ‘‘section 3552(b)’’; and
(II) in paragraph (5), by striking ‘‘section
3532(b)(2)’’ and inserting ‘‘section 3552(b)’’.
(c) SUBCHAPTER II AMENDMENTS.—Subchapter II of chapter 35 of title 44, United
States Code, is amended—
(1) in section 3551—
(A) in paragraph (4), by striking ‘‘diagnose
and improve’’ and inserting ‘‘integrate, deliver, diagnose, and improve’’;
(B) in paragraph (5), by striking ‘‘and’’ at
the end;
(C) in paragraph (6), by striking the period
at the end and inserting a semi colon; and
(D) by adding at the end the following:
‘‘(7) recognize that each agency has specific mission requirements and, at times,
unique cybersecurity requirements to meet
the mission of the agency;
‘‘(8) recognize that each agency does not
have the same resources to secure agency
systems, and an agency should not be expected to have the capability to secure the
systems of the agency from advanced adversaries alone; and
‘‘(9) recognize that a holistic Federal cybersecurity model is necessary to account
for differences between the missions and capabilities of agencies.’’;
(2) in section 3553—
(A) by striking the section heading and inserting ‘‘Authority and functions of the Director and the Director of the Cybersecurity
and Infrastructure Security Agency’’.
(B) in subsection (a)—
(i) in paragraph (1), by inserting ‘‘, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and
the National Cyber Director,’’ before ‘‘overseeing’’;
(ii) in paragraph (5), by striking ‘‘and’’ at
the end; and
(iii) by adding at the end the following:
‘‘(8) promoting, in consultation with the
Director of the Cybersecurity and Infrastructure Security Agency and the Director of the

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National Institute of Standards and Technology—
(A) the use of automation to improve Federal cybersecurity and visibility with respect to the implementation of Federal cybersecurity;

(B) the use of presumption of compromise and least privilege principles to improve re- silience and the response to incidents on Federal systems;"

(C) in subsection (b)—

(1) by striking the subsection heading and inserting "Cybersecurity and Infrastruc-
ture Security Agency";

(ii) in the matter preceding paragraph (1), by striking "the Director or Secretary" and inserting "the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and the National Cyber Director";

(iii) in paragraph (2)—

(I) in subparagraph (A), by inserting "and reporting requirements under subchapter IV of this title" after "section 3506"; and

(II) in subparagraph (D), by striking "the Director or Secretary" and inserting "the Director of the Cybersecurity and Infrastructure Security Agency";

(iv) in paragraph (6), by striking "coordinating" and inserting "leading the coordina-
tion of";

(v) in paragraph (8), by striking "the Secre-

tary or Director" and inserting "the Di-

rector of the Cybersecurity and Infra-

structure Security Agency's discretion"; and

(vi) in paragraph (9), by striking "as the Director or Secretary, in consultation with the Director," and inserting "as the Di-

rector of the Cybersecurity and Infra-

structure Security Agency";

(D) in subparagraph (A)—

(i) in the matter preceding paragraph (1), by striking each year and inserting each year during which agencies are required to submit reports under section 3554(c);

(ii) by striking paragraph (1);

(iii) in paragraphs (2), (3), and (4) as paragraphs (1), (2), and (3), respectively;

(iv) in paragraph (3), as so redesignated, by striking "and" at the end; and

(v) by inserting after paragraph (3), as so redesignated, the following:

"(v) a summary of each assessment of Federal risk posture performed under subsection (g)(1); and

(vi) in paragraph (5), by striking the period at the end and inserting "and";

(E) by redesignating paragraphs (1), (j), (k), and (l) as subparagraphs (J), (K), and (L), respectively;

(F) by inserting after paragraph (h) the following:

"(I) Federal Risk Assessments.—On an ongoing and continuous basis, the Director of the Cybersecurity and Infrastructure Security Agency shall perform assessments of Federal risk posture using any available information on the cybersecurity posture of agencies, and brief the Director and National Cyber Director on the findings of those assessments including—

(1) the status of agency cybersecurity remedial actions described in section 3554(b)(7); and

(2) any vulnerability information relating to the systems of an agency that is known by the agency;

(3) analysis of incident information under section 3597;

(4) evaluation of penetration testing per- formed under section 3595A;

(5) evaluation of vulnerability disclosure program information under section 3559B;

(6) evaluation of agency threat hunting results as determined, in the judgment of the Director, by striking "and" and inserting "and";

(7) evaluation of Federal and non-Federal cyber threat intelligence;

(8) data on agency compliance with standards issued under section 11331 of title 40;

(9) agency system risk assessments per- formed under section 3554(a)(1)(A); and

(10) any assessment of the Director of the Cybersecurity and Infrastructure Security Agency determines relevant."; and

(G) in subsection (j), as so redesignated—

(1) in paragraph (1), as so designated, by striking the period at the end and inserting "; and" and

(2) the term identified in the Federal risk assessment performed under subsection (c) ; and

(H) by adding at the end the following:

"(n) Binding Operational Directives.—If the Director of the Cybersecurity and Infrastructure Security Agency issues a binding operational directive or an emergency directive under this section, not later than 2 days after the date on which the binding operational directive requires an agency to take an action, the Director of the Cybersecurity and Infrastructure Security Agency shall provide to the appropriate reporting entities the status of the implementation of the binding operational directive at the agency;";

(3) in section 3554—

(A) in subsection (a)—

(I) in paragraph (1)—

(1) by redesigning subparagraphs (A), (B), and (C) as subparagraphs (B), (C), and (D), respect-

ively;

(2) by inserting before subparagraph (B), as so redesignated, the following:

"(A) on an ongoing and continuous basis, performing agency system risk assessments that—

(i) identify and document the high value assets of the agency using guidance from the Director;

(ii) evaluate the data assets inventoried under section 3511 for sensitivity to com-

promises in confidentiality, integrity, and availability;

(iii) identify agency systems that have access to or hold the data assets inventoried under section 3511;

(iv) evaluate the threats facing agency systems and data, including high value as-

sets, based on Federal and non-Federal cyber threat intelligence products, where available;

(v) evaluate the vulnerability of agency systems and data, including high value as-

sets, including by analyzing—

(1) the results of penetration testing per-

formed by the Department of Homeland Security under section 3553(b)(9);

(II) the results of penetration testing per-

formed under section 3559A;

(III) information provided to the agency through the vulnerability disclosure pro-

gram of the agency under section 3559B;

(IV) incidents; and

(V) any other vulnerability information relating to agency systems that is known to the agency;

(vi) assess the impacts of potential agen-

cy incidents to agency systems, data, and op-

erations based on the evaluations described in clauses (i) and (iv) and the agency sys-

tems identified under clause (iii) ; and

(vii) assess the consequences of potential incidents occurring on agency systems that would impact systems at other agencies, in- cluding due to interconnectivity between differ-

ent agency systems or operational rela-

tionship on the operations of the system or data in the system;"

(II) in subparagraph (B), as so redesignated—

(1) by striking "providing information" and insert-

ing "providing information and";

(2) by inserting "the assessment conducted under subparagraph (A), providing, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, information;"

(3) in subparagraph (C), as so redesignated—

(aa) in clause (ii) by inserting "binding" before "operational"; and

(bb) by inserting at the end the following:

"(E) providing an update on the ongoing and continuous risk assessment performed under subparagraph (A)—

(1) upon request, to the inspector general of the agency or the Comptroller General of the United States;

(ii) on a periodic basis, as determined by guidance issued by the Director but not less frequently than annually, to—

(i) the Director;

(ii) the Director of the Cybersecurity and Infrastructure Security Agency; and

(iii) the National Cyber Director;

(F) in consultation with the Director of the Cybersecurity and Infrastructure Security Agency and not less frequently than once every 3 years, performing an evaluation of whether additional cybersecurity procedures determined to be appropriate to—

(1) the Director of the Cybersecurity and Infrastructure Security Agency;

(ii) the Director; and

(iii) the National Cyber Director; and

(H) if the head of the agency determines there is need for additional cybersecurity procedures, ensuring that those additional cybersecurity procedures are reflected in the budget request of the agency in accordance with the risk-based cyber budget model de-veloped pursuant to section 3553(a)(7);"

(ii) in paragraph (2)—

(I) in subparagraph (A), by inserting "in accordance with the ongoing system risk as-

sessment performed under paragraph (1)(A)" after "information systems";

(II) in subparagraph (B)—

(aa) by striking "in accordance with stand-

ards" and inserting "in accordance with—

(i) standards"; and

(bb) by adding at the end the following:

"(i) the evaluation performed under para-

graph (1)(F); and

(ii) the implementation plan described in paragraph (1)(G)";

and

(III) in subparagraph (D), by inserting "through the use of penetration testing, the vulnerability disclosure program established under section 3559B, and other means," after "performance capacity";

(iii) in paragraph (3)—

(I) in subparagraph (A)—

(aa) in clause (ii), by striking "and" and inserting "and";

(bb) in clause (iv), by adding "and" at the end; and

(cc) by adding at the end the following:

"(v) ensure that—

(I) senior agency information security of-

ficers of component agencies carry out re-

sponsibilities under this subchapter, as di-

rected by the agency, the agency information sec-

urity officer of the agency or an equivalent official; and
“(II) senior agency information security officers of component agencies report to—
"“(aa) the senior information security officer of the agency or an equivalent official; and
"“(bb) the Chief Information Officer of the component agency or an equivalent official;” and

(iv) in paragraph (5), by inserting “and the Director of the Cybersecurity and Infrastructure Security Agency” before “on the effectiveness”;

(B) in subsection (b)—

(i) by striking paragraph (1) and inserting the following:

“(I) pursuant to subsection (a)(1)(A), performing ongoing and continuous agency system reviews, which may include using guidelines and automated tools consistent with standards and guidelines promulgated under section 11331 of title 40, as applicable;”

(ii) in paragraph (2)—

(I) by striking subparagraph (B) and inserting the following:

“(B) comply with the risk-based cyber budget model developed pursuant to section 3553(a)(7);” and

(II) in subparagraph (D)—

(aa) by redesignating clauses (iii) and (iv) as clauses (iv) and (v), respectively;

(bb) by inserting after clause (ii) the following:

“(iii) binding operational directives and emergency directives promulgated by the Director of the Cybersecurity and Infrastructure Security Agency under section 3553;” and

(cc) in clause (iv), as so redesignated, by striking “as determined by the agency,” and inserting “as determined by the agency, considering—

“(I) the agency risk assessment performed under subsection (a)(1)(A); and

“(II) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40; and

(iii) in paragraph (5)(A), by inserting “, including penetration testing, as appropriate,” after “shall include testing”;

(iv) in paragraph (6), by striking “planning, implementing, evaluating, and documenting” and inserting “planning and implementing and, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, evaluating and documenting”;

(v) by redesigning paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (8) the following:

“(7) a process for providing the status of every remedial action and known system vulnerabilities identified to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;

“(8) notification and consultation with the Federal information security incident center established under section 3556 pursuant to the requirements of section 3594;”;

(II) by redesigning clause (iii) as clause (iv);

(III) by inserting after clause (ii) the following:

“(iii) the determinations of applying more stringent standards and additional cybersecurity procedures pursuant to section 11331(c)(1) of title 40, as applicable;”;

(v) by redesigning paragraphs (7) and (8) as paragraphs (8) and (9), respectively;

(vi) by inserting after paragraph (8) the following:

“(7) a process for providing the status of every remedial action and known system vulnerabilities identified to the Director and the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable;”;

(vii) in paragraph (8)(C), as so redesignated—

(I) by striking clause (ii) and inserting the following:

“(ii) in paragraph (1), by inserting “during which a report is required to be submitted under section 3553(c)” after “Each year”;

(ii) by redesigning paragraph (2) as paragraph (3); and

(iii) by adding at the end the following:

“(D) in subsection (d)(1), in the matter preceding subparagraph (A), by inserting ‘the Director of the Cybersecurity and Infrastructure Security Agency’ after ‘the Director’;” and

(4) in section 3555—

(A) in the section heading, by striking “ANNUAL INDEPENDENT” and inserting “INDEPENDENT”;

(B) in subsection (a)—

(I) in paragraph (1), by inserting “during which a report is required to be submitted under section 3553(c)” after “Each year”;

(ii) in paragraph (2)(A), by inserting “, including by penetration testing and analyzing the vulnerability disclosure program of the agency” after “information systems”; and

(iii) by adding at the end the following:

“An evaluation under this section may include recommendations for improving the cybersecurity posture of the agency;”;

(C) in subsection (b)(1), by striking “ANNUAL INDEPENDENT” and inserting “ANNUAL REPORT”;

(D) in subsection (e)(1), by inserting “during which a report is required to be submitted under section 3553(c)” after “Each year”;

(E) by striking subsection (f) and inserting the following:

“(f) IN SUBSECTION OF INFORMATION.—(1) Agencies, evaluators, and other recipients of information that, if disclosed, may cause grave harm to the efforts of Federal information security officers take appropriate steps to ensure the protection of that information, including safeguarding the information to which disclosure is prohibited.

“(2) The protections required under paragraph (1) shall be commensurate with the risk and comply with all applicable laws and regulations.

“(3) With respect to information that is not related to national security systems, agencies and evaluators shall make a summary of the information unclassified and publicly available, including information that does not identify—

“(A) specific information system incidents; or

“(B) specific information system vulnerabilities.”;

(F) in subsection (g)(2)—

(1) by striking “this subsection shall” and inserting “this subsection—

“(A) shall;”;

(2) by inserting “and” after “subsection (a), as so designated,” and inserting “and;” and

(3) by adding at the end the following:

“(B) identify any entity that performs an independent evaluation under subsection (b);”;

(G) by striking subsection (j) and inserting the following:

“(j) GUIDANCE.—

“(1) IN GENERAL.—The Director, in consultation with the Director of the Cybersecurity and Infrastructure Security Agency, the Chief Information Officers Council, the Council of the Inspectors General on Integrity and Efficiency, and other interested parties as appropriate, shall ensure the development of guidance for evaluating the effectiveness of an information security program and practices.

“(2) PRIORITIES.—The guidance developed under paragraph (1) shall prioritize the identification of—

“(A) the most common threat patterns experienced by each agency;

“(B) the security controls that address the threat patterns described in subparagraph (A); and

“(C) any other security risks unique to the networks of each agency;”;

and

(5) in section 3594(a)—

(A) in the matter preceding paragraph (1), by inserting “within the Cybersecurity and Infrastructure Security Agency” after “incidents”;

and

(B) in paragraph (4), by striking “3554(b)” and inserting “3554(a)(1)(A)”.

November 18, 2021
Congressional Record — Senate S8519
(d) CONFORMING AMENDMENTS.—

(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by inserting the item relating to section 3533 and inserting the following:

"3533. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency;" and

(B) by striking the item relating to section 3553 and inserting the following:

"3553. Independent evaluation.";

(2) OMB REPORTS.—Section 226(c) of the Cybersecurity and Infrastructure Security Act of 2015 (44 U.S.C. 3525(c)) is amended—

(A) in paragraph (1)(B), in the matter preceeding clause (i), by striking "annually thereafter" and inserting "thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code"; and

(B) by striking clause (ii) in the matter preceeding clause (i) by striking "annually thereafter" and inserting "thereafter during the years during which a report is required to be submitted under section 3553(c) of title 44, United States Code"; and

(ii) by striking "the report required under section 3553(c) of title 44, United States Code" and inserting "that report";

(3) NIST RESPONSIBILITIES.—Section 20(d)(3)(B) of the National Institute of Standards and Technology Act (15 U.S.C. 3703(d)(3)(B)) is amended by striking "annual".

(4) FEDERAL INFORMATION.—The term "Federal information" means information created, collected, processed, maintained, disseminated, disclosed, or disposed of by or for the Federal Government in any medium or form.

(5) FEDERAL INFORMATION SYSTEM.—The term "Federal information system" means an information system used or operated by an agency, a contractor, an awardee, or another organization on behalf of an agency.

(6) INTELLIGENCE COMMUNITY.—The term "intelligence community" has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

(7) NATIONAL CONSUMER REPORTING AGENCY.—The term "consumer reporting agency" means a consumer reporting agency described in section 603(p) of the Fair Credit Reporting Act (15 U.S.C. 1681a(p)).

(8) VULNERABILITY DISCLOSURE.—The term "vulnerability disclosure" means a vulnerability identified under section 3559B.

* § 3592. Notification of breach

(1) Notification.—An experienced or qualified professional, acting independently and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

(A) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

(i) the nature and sensitivity of the personally identifiable information affected by the breach;

(ii) the likelihood of access to and use of the personally identifiable information affected by the breach;

(iii) the type of breach; and

(iv) any other factors determined by the Director; and

(B) in the case of a breach provided under subsection (a), to each individual determined by the Director to be of sufficiently low risk of exposure, notify each individual who requested a notification pursuant to subsection (a) of those changes.

(2) EXEMPTION FROM NOTIFICATION.—(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the Director determines that such an exemption will—

(A) reduce the risk of harm to individuals affected by the breach; or

(B) reduce the cost or complexity of complying with such requirements.

(2) DOCUMENTATION.—If an agency determines that an exemption is warranted under paragraph (1), the head of the agency shall provide written notice of the determination to the Director explaining the need for the delay.

(3) OTHER DATA PROTECTION ACT.—(1) IN GENERAL.—In the case of a breach provided under subsection (a), the head of the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

(A) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

(i) the nature and sensitivity of the personally identifiable information affected by the breach;

(ii) the likelihood of access to and use of the personally identifiable information affected by the breach;

(iii) the type of breach; and

(iv) any other factors determined by the Director; and

(B) in the case of a breach provided under subsection (a), to each individual determined by the Director to be of sufficiently low risk of exposure, notify each individual who requested a notification pursuant to subsection (a) of those changes.

(2) EXEMPTION FROM NOTIFICATION.—(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the Director determines that such an exemption will—

(A) reduce the risk of harm to individuals affected by the breach; or

(B) reduce the cost or complexity of complying with such requirements.

(2) DOCUMENTATION.—If an agency determines that an exemption is warranted under paragraph (1), the head of the agency shall provide written notice of the determination to the Director explaining the need for the delay.

(3) OTHER DATA PROTECTION ACT.—(1) IN GENERAL.—In the case of a breach provided under subsection (a), the head of the agency shall as expeditiously as practicable and without unreasonable delay, and in any case not later than 45 days after an agency has a reasonable basis to conclude that a breach has occurred, the head of the agency, in consultation with a senior privacy officer of the agency, shall—

(A) determine whether notice to any individual potentially affected by the breach is appropriate based on an assessment of the risk of harm to the individual that considers—

(i) the nature and sensitivity of the personally identifiable information affected by the breach;

(ii) the likelihood of access to and use of the personally identifiable information affected by the breach;

(iii) the type of breach; and

(iv) any other factors determined by the Director; and

(B) in the case of a breach provided under subsection (a), to each individual determined by the Director to be of sufficiently low risk of exposure, notify each individual who requested a notification pursuant to subsection (a) of those changes.

(2) EXEMPTION FROM NOTIFICATION.—(1) IN GENERAL.—The head of an agency, in consultation with the inspector general of the agency, may request an exemption from the Director from complying with the notification requirements under subsection (a) if the Director determines that such an exemption will—

(A) reduce the risk of harm to individuals affected by the breach; or

(B) reduce the cost or complexity of complying with such requirements.

(2) DOCUMENTATION.—If an agency determines that an exemption is warranted under paragraph (1), the head of the agency shall provide written notice of the determination to the Director explaining the need for the delay.

(3) CONFORMING AMENDMENTS.—(1) TABLE OF SECTIONS.—The table of sections for chapter 35 of title 44, United States Code, is amended—

(A) by inserting the item relating to section 3533 and inserting the following:

"3533. Authority and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency;" and

(B) by striking the item relating to section 3553 and inserting the following:

"3553. Independent evaluation.";
agency from notifying individuals potentially affected by breaches that are not determined to be major incidents; or
(2) the Director from issuing guidance relating to notification of major incidents or the head of an agency from providing more information than described in subsection (b) when notifying individuals potentially affected by

§3593. Congressional and Executive Branch reports

(a) Initial Report.—
(1) In General.—Not later than 72 hours after the head of an agency reasonably believes that a major incident occurred, the head of the agency impacted by the major incident shall submit to the appropriate reporting entities, or to impacts on other agency or non-Federal entity operations, affected by the major incident based on information available to agency officials as of the date on which the agency provides the update; and
(2) the Director from issuing guidance relating to notification of major incidents or the extent practicable, provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—
(A) the information known at the time of the report; and
(B) the sensitivity of the details associated with the major incident; and
(c) the classification level of the information contained in the report.

(b) Report required under paragraph (1) shall include, in a manner that excludes or otherwise reasonably protects personally identifiable information and to the extent practicable, provide a briefing to the congressional committees, the Committee on Homeland Security and the Governmental Affairs of the Senate, and the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security of the House of Representatives, and the appropriate authorization and appropriations committees of Congress, taking into account—
(A) a summary of the information available about the major incident, including how the major incident occurred, affected information indicating that the major incident may be a breach, and information relating to the major incident as a breach, based on information available to agency officials as of the date on which the agency submits the report; and
(B) if applicable, a description and any associated documentation of any circumstances necessitating a delay in or exemption to notification to individuals potentially affected by the major incident under subsection (c) or (e) of section 3592; and
(C) if applicable, a description and any assessment of the impacts to the agency, the Federal Government, or the security of the United States, based on information available to agency officials on the date on which the agency submits the report.

Supplemental Report.—Within a reasonable time, not later than 30 days after the date on which an agency submits a written report under subsection (a), the head of the agency shall provide to the appropriate reporting entities written updates on the major incident and, to the extent practicable, provide a briefing to the congressional committees described in subsection (c) or (e) of section 3592.

Components of Other Report.—The Director may submit the report required under paragraph (1) as a component of the annual report submitted under section 3597.

Report Delivery.—Any written report required to be submitted under this section may be submitted in a paper or electronic format.

Threat Briefing.—The briefing required under paragraph (1) shall—
(A) to the greatest extent practicable, include an unclassified component; and
(B) may include a classified component.

Rule of Construction.—Nothing in this section shall be construed to limit—
(1) the ability of an agency to provide additional reports or briefings to Congress; or
(2) Congress from requesting additional information from agencies through reports, briefings, or other means.

§3594. Government information sharing and incident response

(a) In General.—The head of each agency shall provide any information relating to an incident to the Director and to Congress in accordance with the Office of Management and Budget.

(b) Contents.—A provision of information relating to an incident made by the head of each agency shall include—
(A) information about the safeguards that were in place when the incident occurred; and
(B) whether the agency implemented the safeguards described in subparagraph (A) correctly; and
(C) in order to protect against a similar incident, identify—
(i) how the safeguards described in subparagraph (A) should be implemented differently; and
(ii) additional necessary safeguards; and
(D) include information to aid in incident response, such as—
(i) a description of the affected systems or networks; and
(ii) the estimated dates of when the incident occurred; and
(iii) information that could reasonably help identify the party that conducted the incident.

Information Sharing.—To the greatest extent practicable, the Director of the Cybersecurity and Infrastructure Security Agency shall share information relating to an incident with any agencies that may be impacted by the incident.

(b) Compliance.—The information provided under subsection (a) shall take into account the level of classification of the information and any information sharing limitations and protections, such as limitations and protections relating to law enforcement, national security, privacy, statistical confidentiality, or other factors determined by the Director.

(c) Incident Response.—Each agency that has a reasonable basis to conclude that a major incident occurred involving Federal information in electronic medium or form, as defined by the Director and not involving a national security system, regardless of delays from notification granted for a major incident, shall coordinate with the Cybersecurity and Infrastructure Security Agency regarding—
(1) incident response and recovery; and
(2) recommendations for mitigating future incidents.

§3595. Responsibilities of contractors and awardees

(a) Notification.—
(1) In General.—Unless otherwise specified in the contract, grant, cooperative agreement, or other transaction agreement, any contractor or awardee of an agency shall report to the agency within the same amount of time such agency is required to report an incident to the Cybersecurity and Infrastructure Security Agency, if the contractor or awardee has a reasonable basis to conclude that—
(A) an incident or breach has occurred with respect to Federal information collected, used, or maintained by the contractor or awardee; and
(B) the incident or breach has occurred with respect to a Federal information system used or operated by the contractor or awardee in connection with the contract, grant, cooperative agreement, or other transaction agreement of the contractor or awardee; or
(C) the contractor or awardee has received information from the agency that the contractor or awardee is not authorized to receive in connection with the contract,
grant, cooperative agreement, or other transaction agreement of the contractor or awardee.

(2) PROCEDURES.—(A) MAJOR INCIDENT.—Following a report of a breach or major incident by a contractor or awardee under paragraph (1), the agency, in consultation with the contractor or awardee, shall carry out the requirements under sections 3592, 3593, and 3594 with respect to the major incident.

(B) INCIDENT.—Following a report of an incident by a contractor or awardee under paragraph (1), an agency, in consultation with the contractor or awardee, shall carry out the requirements under section 3594 with respect to the incident.

(b) EFFECTIVE DATE.—This section shall apply on and after the date that is 1 year after the date of enactment of the Federal Information Security Modernization Act of 2021.

§ 3598. Training

(a) COVERED INDIVIDUAL DEFINED.—In this section, the term ‘covered individual’ means an individual who obtains access to Federal information or Federal information systems because of the status of the individual as an employee, contractor, awardee, volunteer, or intern of an agency.

(b) REQUIREMENT.—The head of each agency shall develop training for covered individuals on cybersecurity and respond to an inci-dent, including—

(1) the internal process of the agency for reporting an incident; and

(2) the obligation of a covered individual to report to the agency a confirmed major incident and any suspected incident involv-ing information in any medium or form, including paper, oral, and electronic.

(c) INCLUSION IN ANNUAL TRAINING.—The training developed under subsection (b) may be included as part of an annual privacy or security training of an agency.

§ 3597. Analysis and report on Federal inci-dents

(a) ANALYSIS OF FEDERAL INCIDENTS.—

(1) QUANTITATIVE AND QUALITATIVE ANALYSES.—The Director of the Cybersecurity and Infrastructure Security Agency shall develop, consult with the Director and the National Cyber Director, and perform continuous monitoring and quantitative and qualitative analyses of incidents at agencies, including major incidents, including—

(A) incidents, including—

(i) attacker tactics, techniques, and pro-cedures; and

(ii) system vulnerabilities, including zero days, vulnerabilities, threats, and information system misconfigurations;

(B) the scope and scale of incidents at agencies;

(C) cross Federal Government root causes of incidents at agencies;

(D) agency incident response, recovery, and remediation actions and the effectiveness of those actions, as applicable;

(E) lessons learned and recommendations in responding to, recovering from, remediating, and mitigating future incidents; and

(F) trends in cross-Federal Government cybersecurity and incident response capability using the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(2) AUTOMATED ANALYSIS.—The analyses developed under paragraph (1) shall, to the greatest extent practicable, in machine-readable formats in order to enable automated intake and use by agencies.

(B) ANNUAL REPORT ON FEDERAL INCIDENTS.—Not later than 2 years after the date of enactment of this section, and not less fre-quently than annually thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director and other Federal agencies as appropriate, shall submit to the appropriate notification entities a report that includes—

(i) a summary of causes of incidents from across the Federal Government that categorizes those incidents as incidents or major incidents;

(ii) the quantitative and qualitative analyses of incidents developed under subsection (a)(1) on an agency-by-agency basis and comprehensively across the Federal Government, including—

(A) a specific analysis of breaches; and

(B) an analysis of the Federal Govern-ment’s ability to categorize incidents under subsection (b) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)); and

(C) the total number of compromises of the agency; and

(C) an analysis of the agency’s perform-ance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(c) PUBLICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Cybersecurity and Infrastructure Security Agency during the year in which the report is submitted.

(d) INFORMATION PROVIDED BY AGENCIES.—

(1) IN GENERAL.—The analysis required under subsection (a) and each report sub-mitted under subsection (b) shall use infor-mation provided by agencies under section 3594a.

(A) NOCOMPLIANCE REPORTS.—

(i) the Speaker and minority leader of the House of Representatives; and

(B) CLASSIFIED FORM.—A report required under subparagraph (A) may be submitted in a classified form.

(e) REQUIREMENT FOR COMPLYING INFORMATION.—In publishing the public report required under subsection (c), the Director of the Cybersecurity and Infrastructure Security Agency shall sufficiently compile information such that no specific incident of an agency can be identified, except with the concurrence of the Director of the Office of Management and Budget and in consultation with the impacted agency.

§ 3598. Major incident definition

(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Federal Information Security Modernization Act of 2021, the Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency and the National Cyber Director, shall develop and promul-gate guidance on the definition of the term ‘major incident’ for the purposes of subchapter II and this subchapter.

(b) REQUIREMENTS.—With respect to the guidance issued under subsection (a), the defini-tion of the term ‘major incident’ shall—

(1) include, with respect to any informa-tion system, a system or part of a system or operated by an agency or by a contractor of an agency or another organization on behalf of an agency.

(2) a description of each major incident;

(3) the total number of compromises of the agency; and

(4) an analysis of the agency’s perform-ance against the metrics established under section 224(c) of the Cybersecurity Act of 2015 (6 U.S.C. 1522(c)).

(c) PUBLICATION.—A version of each report submitted under subsection (b) shall be made publicly available on the website of the Agency.

(d) INFORMATION PROVIDED BY AGENCIES.—

(1) IN GENERAL.—The analysis required under subsection (a) and each report sub-mitted under subsection (b) shall use infor-mation provided by agencies under section 3594a.

(A) NOCOMPLIANCE REPORTS.—

(i) The information described in subparag-raph (b) with respect to the agency.

(B) EXCEPTION FOR NATIONAL SECURITY SYSTEMS.—The head of an agency that owns or exercises control of a national security system shall not include data for an incident that occurs on a national security system in any report submitted under paragraph (A).

(3) NATIONAL SECURITY SYSTEM REPORTS.—

(A) IN GENERAL.—Annually, the head of an agency that owns or exercises control of a national security system shall submit a re-port that includes the information described in subsection (b) with respect to the agency or the head of a component of the agency, the head of the agency, the head of a component of the agency, or the direct reports of the head

with law and as directed by the President to—

(i) the majority and minority leaders of the Senate;

(ii) the Speaker and minority leader of the House of Representatives;

(iii) the Committee on Homeland Secu-rity and Governmental Affairs of the Senate; and

(iv) the Select Committee on Intelligence of the Senate;

(v) the Committee on Armed Services of the Senate;

(vi) the Committee on Appropriations of the Senate;

(vii) the Committee on Oversight and Re-form of the House of Representatives;

(viii) the Committee on Homeland Secu-rity of the House of Representatives;

(ix) the Permanent Select Committee on Intelligence of the House of Representatives; and

(x) the Committee on Appropriations of the House of Representatives.
of the agency or the head of a component of the agency; and

“(G) any other type of incident determined appropriate by the Director;

(2) the Director shall provide to the National Cyber Director any cybersecurity funding information described in subparagraph (A)(ii) that is provided to the Director under clause (i) of the preceding subparagraph, and

(ii) in paragraph (4)(B), in the matter preceding clause (i), by inserting “not later than 30 days after the date on which the review under subparagraph (A) is completed,” before “the Administrator”;

(C) in subsection (f)—

(1) by striking “heads of executive agencies” and inserting “heads of executive agencies to—

“(i) develop and maintain a list of cybersecurity best practices,”

and

(2) in paragraph (1), as so designated, by striking the period at the end and inserting “;”;

and

(iii) by adding at the end the following:

“(2) the Director shall—

(A) give consideration for the use of amounts in the Fund to improve the security of high value assets; and

(B) require that any proposal for the use of amounts in the Fund includes a cybersecurity plan, including a supply chain risk management plan, to be reviewed by the member of the Technology Modernization Board described in subsection (c)(6)(C);”;

and

(C) in subsection (c)—

(1) in paragraph (2)(A)(i), by inserting “, including a consideration of the impact on high value assets after ‘operational risks’;”;

(ii) in paragraph (5)—

(1) in subparagraph (A), by striking “and” at the end;

(II) in subparagraph (B), by striking the period at the end and inserting “;”;

and

(III) by adding at the end the following:

“(B) CONSULTATION.—In using funds under paragraph (3)(A), the Chief Information Officer of the covered agency shall consult with the necessary stakeholders to ensure that the project appropriately addresses cybersecurity risks, including the Director of the Cybersecurity and Infrastructure Security Agency, as appropriate.”;

and

(2) in section 1077(b)—

(A) in paragraph (5)(A), by inserting “improving the cybersecurity of systems and" before "cost savings activities’; and

(B) in paragraph (6)(A), by inserting “CIO;” and

(i) the Privacy and Civil Liberties Oversight Board; and

(ii) the Chair of the Federal Trade Commission.

(C) SIGNIFICANT NUMBER OF INDIVIDUALS.—In determining what constitutes a significant number of individuals under subsection (b)(1)(D), the Director—

(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

(2) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021, and not less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

(1) an update, if necessary, to the guidance issued under subsection (a); and

(2) an explanation of, and the analysis that led to, the definition described in paragraph (2).”.

(2) CEREMONIAL AMENDMENT.—The table of sections for chapter 32 of title 44, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

3591. Definitions.

3592. Notification of breach.

3593. Congressional and Executive Branch reports.

3594. Government information sharing and incident response.

3595. Responsibilities of contractors and awardees.

3596. Training.


3598. Major incident definition.”.

SEC. 3212. AMENDMENTS TO SUBTITLE III OF TITLE 40.

(a) MODERNIZING GOVERNMENT TECHNOLOGY.—Subtitle G of title X of Division A of the National Defense Authorization Act for Fiscal Year 2018 (40 U.S.C. 1301 note) is amended—

(1) in section 1077(b)—

(A) in paragraph (5)(A), by inserting “improving the cybersecurity of systems and" before "cost savings activities’; and

(B) in paragraph (6)(A), by inserting “CIO;” and

(i) in the paragraph heading, by striking “cio” and inserting “CIO’;

(ii) by striking ‘‘In evaluating projects’’ and inserting ‘‘In evaluating projects’’;

(iii) in subparagraph (A), as so designated, by striking “under section 1094(b)(1)’’; and

(iv) by adding at the end the following:

“(1) may determine a threshold for a minimum number of individuals that constitutes a significant amount; and

(B) may not determine a threshold described in paragraph (1) that exceeds 5,000 individuals.

(d) EVALUATION AND UPDATES.—Not later than 2 years after the date of enactment of the Federal Information Security Modernization Act of 2021, and not less frequently than every 2 years thereafter, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives an evaluation, which shall include—

(1) an update, if necessary, to the guidance issued under subsection (a); and

(2) an explanation of, and the analysis that led to, the definition described in paragraph (2).”.

(2) CEREMONIAL AMENDMENT.—The table of sections for chapter 32 of title 44, United States Code, is amended by adding at the end the following:

“SUBCHAPTER IV—FEDERAL SYSTEM INCIDENT RESPONSE

3591. Definitions.

3592. Notification of breach.

3593. Congressional and Executive Branch reports.

3594. Government information sharing and incident response.

3595. Responsibilities of contractors and awardees.

3596. Training.


3598. Major incident definition.”.
under the supervision of the agency that are more stringent than the standards promulgated by the Director under this section, if such standards contain, at a minimum, the provisions for applying applicable standards made compulsory and binding by the Director; and

"(B) to the greatest extent practicable and if and when determined appropriate, an independent assessment of cybersecurity remedial actions of the agency:

"(B) any vulnerability information relating to agency systems that is known to the agency;

"(C) incident information of the agency;

"(D) information from—

"(i) penetration testing performed under section 3559a of title 44;

"(ii) information from the vulnerability disclosure program established under section 3559b of title 44;

"(iii) threat hunting results under section 5145 of the Federal Information Security Modernization Act of 2021;

"(F) Federal and non-Federal cyber threat intelligence; and

"(G) data on compliance with standards issued under this section;

"(H) agency system risk assessments performed under section 3554a(1)(A) of title 44;

"(i) any other information determined relevant by the head of the agency.

"(ii) in subsection (a)(2)—

"(A) in the paragraph heading, by striking "NOTICE AND COMMENT" and inserting "CONSULTATION, NOTICE, AND COMMENT";

"(B) in the definition of "proportate", before "significantly modify"; and

"(C) by striking "shall be made after the public is given an opportunity to comment on the Director's proposed decision," and inserting "shall be made—"

"(A) for a decision to significantly modify or not promulgate such a proposed standard, after receiving written comments and the comments of an appropriate interagency group on the proposed decision, by the Director;

"(B) in consultation with the Chief Information Officers Council, the Director of the Cybersecurity and Infrastructure Security Agency, the National Cyber Director, the Comptroller General of the United States, and the Inspector General of Integrity and Efficiency;

"(C) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard; and

"(D) considering the extent to which the proposed standard reduces risk relative to the extent needed to implement the requirements of the control systems of the agency; and

"(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

"(1) CONDUCT OF REVIEW.—

"(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget shall provide to the appropriate congressional committees a briefing on the review.

"(B) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director of the Office of Management and Budget shall issue updated guidance or policy to agencies to promote and coordinate an annual review of policy promulgated by the Director in reducing cybersecurity risks, including an assessment of whether such policy is appropriate.

"(2) EVALUATION OF MORE STRINGENT STANDARDS.—In deciding to develop a plan for the development of a standard described in subparagraph (A), the Director shall provide to the appropriate congressional committees a briefing on—

"(A) the status of cybersecurity remedial actions of the agency;

"(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

"(C) a summary of the guidance or policy promulgated under this section that is currently in effect;

"(3) PUBLIC REPORT.—Not later than 30 days after the date on which a review is completed under paragraph (1), the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the review.

"(4) AUTOMATED STANDARD IMPLEMENTATION.—In implementing a standard pursuant to paragraphs (2) and (3) of section 3592(a), the Director of the National Institute of Standards and Technology shall make publicly available a report that includes—

"(A) an overview of the guidance and policy promulgated under this section that is currently in effect;

"(B) the cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

"(C) a summary of the guidance or policy promulgated under this section that is currently in effect;

"(D) considering the extent to which the proposed standard reduces risk relative to the cost of implementation of the standard.; and

"(e) REVIEW OF OFFICE OF MANAGEMENT AND BUDGET GUIDANCE AND POLICY.—

"(1) CONDUCT OF REVIEW.—

"(A) IN GENERAL.—Not less frequently than once every 3 years, the Director of the Office of Management and Budget, in consultation with the Comptroller General of the United States, the Inspector General of Integrity and Efficiency shall review the efficacy of the guidance and policy promulgated by the Director in reducing cybersecurity risk mitigation, or other cybersecurity benefit, offered by each guidance or policy document described in subparagraph (A); and

"(B) BRIEFING.—Not later than 1 year after the date of enactment of this Act, the Director shall provide to the appropriate congressional committees a briefing on—

"(A) the execution of the plan required under paragraph (1)(A); and

"(B) the report required under section 3597(a)(1) of title 44, United States Code, as added by this division.
TITILE LI—IMPROVING FEDERAL CYBERSECURITY

SEC. 5141. MOBILE SECURITY STANDARDS.
(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Director shall—
(1) evaluate mobile application security guidance promulgated by the Director; and
(2) issue guidance to secure mobile devices, including for mobile applications, for every agency.

(b) CONTENTS.—The guidance issued under subsection (a)(2) shall include—
(1) a requirement, pursuant to section 3506(b)(4) of title 44, United States Code, for every agency to maintain a continuous inventory of every mobile device operated by or on behalf of the agency; and
(2) a requirement for every agency to perform continuous evaluation of the vulnerabilities described in paragraph (1)(B) and other risks associated with the use of applications on mobile devices.

(c) INFORMATION SHARING.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall issue guidance to agencies for sharing the inventory of the agency required under subsection (b)(1) with the Director of the Cybersecurity and Infrastructure Security Agency, using automation and machine-readable data to the greatest extent practicable.

SEC. 5142. DATA AND LOGGING RETENTION FOR INCIDENT RESPONSE.
(a) RECOMMENDATIONS.—Not later than 2 years after the date of enactment of this Act, and not less frequently than every 2 years thereafter, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Attorney General, shall provide to the appropriate congressional committees guidance that—
(1) cybersecurity threats facing agencies,
(2) the agency information system or systems; and
(3) the time periods for agencies to enable recommended logging and security requirements.

(b) DUTIES.—The duties of each advisor as assigned under subsection (a) shall include—
(1) cybersecurity threats facing agencies, including any specific threats to the agency.
(2) performing risk assessments of agency systems; and
(3) other Federal cybersecurity initiatives.

(c) DUTIES.—The advisor assigned under subsection (a) shall—
(1) provide ongoing assistance and advice, as requested, to the agency Chief Information Officer;
(2) serve as an incident response point of contact between the assigned agency and the Cybersecurity and Infrastructure Security Agency; and
(3) familiarize themselves with agency systems, processes, and procedures to better facilitate support to the agency in responding to incidents.

(d) LIMITATION.—An advisor assigned under subsection (a) shall not be a contractor.

(e) MULTIPLE ASSIGNMENTS.—One individual advisor may be assigned to multiple agency Chief Information Officers under subsection (a).

SEC. 5143. CISA AGENCY ADVISORS.
(a) IN GENERAL.—Not later than 120 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall assign at least 1 cybersecurity professional employed by the Cybersecurity and Infrastructure Security Agency to be the Cybersecurity and Infrastructure Security Agency advisor to the senior agency information security officer of each agency.

(b) QUALIFICATIONS.—Each advisor assigned under subsection (a) shall have knowledge of—
(1) cybersecurity threats facing agencies, including any specific threats to the assigned agency;
(2) performing risk assessments of agency systems; and
(3) other Federal cybersecurity initiatives.

SEC. 5144. FEDERAL PENETRATION TESTING POLICY.
(a) IN GENERAL.—Subchapter II of chapter 35 of title 44, United States Code, is amended by adding at the end the following:
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agency plans and rules of engagement.—The agency operational plan and rules of engagement of an agency shall—
(a) require the agency to—
(1) perform penetration testing on the high value assets of the agency; or
(2) establish guidelines for avoiding, as a result of penetration testing—
(A) adverse impacts to the operations of the agency;
(B) adverse impacts to operational environments and systems of the agency; and
(C) the use of agency data;
(3) require the results of penetration testing to include feedback to improve the cybersecurity of the agency; and
(4) include mechanisms for providing consistently formatted, and, if applicable, automated and machine-readable, data to the Director and the Director of the Cybersecurity and Infrastructure Security Agency.
(b) responsibilities of cisa.—The Director of the Cybersecurity and Infrastructure Security Agency shall—
(1) establish a process to assess the performance of penetration testing by both Federal and non-Federal entities that establishes, from quality controls for penetration testing:
(A) develop operational guidance for instituting penetration testing programs at agencies;
(B) develop and maintain a centralized capability to offer penetration testing as a service to Federal and non-Federal entities; and
(C) provide guidance to agencies on the best use of penetration testing resources.
(c) responsibilities of omb.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall—
(1) not less frequently than annually, inventory all Federal penetration testing assets; and
(2) develop and maintain a standardized process for the use of penetration testing.

(1) prioritization of penetration testing resources.—
(1) in general.—The Director, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, shall develop a framework for prioritizing Federal penetration testing resources among agencies.
(2) considerations.—In developing the framework under this subsection, the Director shall consider—
(A) agency system risk assessments performed under section 3554(a)(1); (B) the Federal risk assessment performed under section 3553; (C) the analysis of Federal incident data performed under section 3597; and (D) any other information determined appropriate by the Director or the Director of the Cybersecurity and Infrastructure Security Agency.

(g) exception for national security systems.—The guidance issued under subsection (b) shall not apply to national security systems.

(h) delegation of authority for certain nationalities.—The authorities of the Director described in subsection (b) shall be delegated—
(1) to the Secretary of Defense in the case of a military department described in section 5353(e)(3); and
(2) to the Director of National Intelligence in the case of systems described in section 3553(e)(3).

(i) baseline for guidance.—Not later than 180 days after the date of enactment of this Act, the Director shall issue the guidance required under section 3550(a)(b) of title 44, United States Code, as added by subsection (a).

(c) clerical amendment.—The table of sections of title 44, United States Code, is amended by adding after the item relating to section 3559 the following:
"3559A. Federal penetration testing."

(d) penetration testing by the secretary of homeland security.—Section 3553(b) of title 44, United States Code, as amended by section 5121, is further amended—
(1) in paragraph (8)(B), by striking "and" at the end;
(2) by redesignating paragraph (9) as paragraph (8); and
(3) by inserting after paragraph (8) the following—
"(9) performing penetration testing with or without advance notice to, or authorization from, agencies, to identify vulnerabilities within Federal information systems; and"

sect. 5145. ongoing threat hunting program.

(a) threat hunting program.—
(1) in general.—Not later than 540 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall establish a program to provide ongoing, hypothesis-driven threat-hunting services on the network of each agency.
(2) plan.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish the program required under paragraph (1) that describes how the Director of the Cybersecurity and Infrastructure Security Agency plans to—
(A) determine the method for collecting, storing, accessing, and analyzing appropriate agency data;
(B) provide on-premises support to agencies;
(C) staff threat hunting services;
(D) allocate available human and financial resources to implement the plan; and
(E) provide input to the heads of agencies on the use of—
(i) more stringent standards under section 11331(c)(1) of title 44, United States Code; and
(ii) additional cybersecurity procedures under section 3554 of title 44, United States Code.
(b) reports.—The Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees—
(1) not later than 30 days after the date on which the Director of the Cybersecurity and Infrastructure Security Agency completes the plan required under subsection (a)(2), a report on the plan to provide threat hunting services to agencies;
(2) not less than 30 days before the date on which the Director of the Cybersecurity and Infrastructure Security Agency provides threat hunting services under the program under subsection (a)(1), a report providing any updates to the plan developed under subsection (a)(2); and
(3) not later than 1 year after the date on which the Director of the Cybersecurity and Infrastructure Security Agency provides threat hunting services to agencies other than the Cybersecurity and Infrastructure Security Agency, a report describing lessons learned from providing those services.

sect. 5146. codifying vulnerability disclosure programs.

(a) in general.—Chapter 35 of title 44, United States Code, as amended by inserting after section 3559A, as added by section 5144 of this division, the following:
"3559B. Federal vulnerability disclosure programs."

(a) definitions.—In this section:
(1) report.—The term ‘report’ means a vulnerability disclosure made to an agency by a reporter.
(2) reporter.—The term ‘reporter’ means an individual that submits a vulnerability report pursuant to the vulnerability disclosure process of an agency.
(b) responsibilities of omb.—
(1) limitation on legal action.—The Director, in consultation with the Attorney General, shall issue guidance to agencies to not recommend or pursue legal action against a reporter or an individual that conducts security research that the head of the agency determines—
(A) represents a good faith effort to follow the vulnerability disclosure policy of the agency developed under subsection (d)(2); and
(B) is authorized under the vulnerability disclosure policy of the agency developed under subsection (d)(2).
(2) sharing information with cisa.—The Director, in coordination with the appropriate congressional committees, the Office of the Director of National Intelligence, and the Cybersecurity and Infrastructure Security Agency and in consultation with the National Cyber Director, shall issue guidance to agencies on sharing relevant information in a consistent and machine readable manner with the Cybersecurity and Infrastructure Security Agency, including—
(A) any valid or credible reports of newly discovered or not publicly known vulnerabilities (including misconfigurations) or Federal information systems that use commercial software or services;
(B) information relating to vulnerability disclosure, coordination, or remediation activities of an agency, particularly as those activities relate to outside organizations—
(i) with which the head of the agency believes the Cybersecurity and Infrastructure Security Agency can assist; or
(ii) about which the head of the agency believes the Director of the Cybersecurity and Infrastructure Security Agency should know; and
(C) any other information with respect to which the head of the agency determines it is necessary to identify any cybersecurity capabilities to implement the requirements of this section.

(c) responsibilities of cisa.—The Director of the Cybersecurity and Infrastructure Security Agency shall—
(1) provide guidance to agencies with respect to the implementation of the requirements of this section;
(2) develop tools, processes, and other mechanisms determined appropriate for agencies to capabilities to implement the requirements of this section; and
(3) upon a request by an agency, assist the agency in the disclosure of newly identified vulnerabilities in vendor products and services.
(d) responsibilities of agencies.—
(1) use of information.—The head of each agency shall make publicly available, with respect to each internet domain under the control of the agency that is not a national security asset—
(A) an appropriate security contact; and
(B) the component of the agency that is responsible for the internet accessible services to which the internet domain is automated, and
(2) vulnerability disclosure policy.—The head of each agency shall develop and
make publicly available a vulnerability disclosure policy for the agency, which shall—

(A) describe—

(i) the scope of the systems of the agency included in the vulnerability disclosure policy;

(ii) the type of information system testing that is authorized by the agency;

(iii) the type of information system testing that is not authorized by the agency; and

(iv) the disclosure policy of the agency for sensitive information;

(B) in the event of an equity of a report to an agency, describe—

(i) how the reporter should submit the report; and

(ii) if the report is not anonymous, when the reporter should anticipate an acknowledgment of receipt of the report by the agency;

(C) include any other relevant information; and

(D) be mature in scope, to cover all Federal laws, or any system of a system operated by that agency or on behalf of that agency.

(3) IDENTIFIED VULNERABILITIES.—The head of each agency shall incorporate any vulnerabilities reported under paragraph (2) into the vulnerability management process of the agency in order to track and remediate the vulnerability.

(e) CYBERSECURITY REDUCTION ACT EXEMPTION.—The requirements of subchapter I of chapter 35 of title 44, United States Code, is amended by adding after the subsection (b) the following:

(f) CONGRESSIONAL REPORTING.—Not later than 90 days after the date of enactment of the Federal Information Security Modernization Act of 2021, and annually thereafter for a 3-year period, the Director shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the House of Representatives a briefing on the status of the use of vulnerability disclosure policies under this section at agencies, including, with respect to the guidance issued under subsection (b), an identification of the agencies that are compliant and not compliant.

(g) EXEMPTIONS.—The authorities and functions of the Director and the Director of the Cybersecurity and Infrastructure Security Agency under this section shall not apply to national security entities.

(h) DELEGATION OF AUTHORITY FOR CERTAIN SYSTEMS.—The authorities of the Director and the Director of the Cybersecurity and Infrastructure Security Agency described in this section shall be delegated—

(1) to the Secretary of Defense in the case of systems described in section 3555(e)(2); and

(2) to the Director of National Intelligence in the case of systems described in section 3555(e)(3).

(4) CLINICAL AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by adding after the item relating to section 3559A, as added by section 309 of the Defense Authorization Act for Fiscal Year 2019 and Armenia Act of 2018—

"3595B. Federal vulnerability disclosure programs."

SEC. 5146. IMPLEMENTING PROVISIONS OF CONGRESSIONAL AND LAST PRIVILEGE PRINCIPLES.

(a) GUIDANCE.—Not later than 1 year after the date of enactment of this Act, the Director shall provide an update to the appropriate congressional committees on progress in increasing the internal defenses of agency systems, including—

(1) shifting away from "trusted networks" to implement security controls based on a presumption of compromise;

(2) implementing principles of least privilege in administering information security programs;

(3) limiting the ability of entities that cause incidents to move laterally through or between agency systems;

(4) identifying incidents quickly;

(5) isolating or deauthorizing entities from agency systems quickly;

(6) otherwise increasing the resource costs for entities that cause incidents to be successful; and

(7) a summary of the agency progress reports required under subsection (b).

(b) AGENCY PROGRESS REPORTS.—Not later than 180 days after the date of enactment of this Act, the head of each agency shall submit to the Director a progress report on implementing an information security program based on the presumption of compromise and least privilege principles, which shall include—

(1) a description of any steps the agency has completed, including progress toward achieving requirements issued by the Director;

(2) an identification of activities that have not yet been completed and that would have the most immediate security impact; and

(3) a schedule to implement any planned activities.

SEC. 5145. AUTOMATION REPORTS.

(a) OMB REPORT.—Not later than 180 days after the date of enactment of this Act, the Director shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(b) GAO REPORT.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall conduct, with the Federal Government and cybersecurity purposes, including the automated updating of cybersecurity tools, sensors, or processes by agencies.

SEC. 5148. EXTENSION OF FEDERAL ACQUISITION SECURITY COUNCIL.

Section 1328 of title 41, United States Code, is amended by striking "the date that" and inserting "December 31, 2026.".

SEC. 5150. COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY DASHBOARD.

(a) DASHBOARD REQUIRED.—Section 11(e)(2) of the Inspector General Act of 1978 (5 U.S.C. App. I) is amended—

(1) in subparagraph (A), by striking "and" and inserting "an"; and

(2) in subparagraph (B), by striking subparagraph (B) as renumbered by the amendments made by section 3 of the Further Continuing Appropriations Act, 2020,

(b) IMPLEMENTATION.—The Council of the Inspector General on Integrity and Efficiency shall—

(1) in paragraph (1), by inserting "of the" before "the" and "(c)(1), the" before "Director shall submit to the appropriate" and inserting the following:

"(c) IMPROVED METRICS.—

(1) IN GENERAL.—The Director of the Cybersecurity and Infrastructure Security Agency shall establish, review, and update metrics to measure the cybersecurity and incident response capabilities of agencies in accordance with the responsibilities of agencies under section 354 of title 44, United States Code.

(2) QUALITIES.—With respect to the metrics established, reviewed, and updated under paragraph (1)—

(A) not less than 2 of the metrics shall be time-based, such as a metric of—

(i) the amount of time it takes for an agency to detect an incident; and

(ii) the amount of time that passes between—

(I) the detection of an incident and the remediation of the incident; and

(II) the remediation of an incident and the recovery from the incident; and

(B) the metrics may include other measurable outcomes;";

(2) PENETRATION TESTS.—Not later than 2 occasions during the 2-year period following the date on which guidance is promulgated under paragraph (1), the Director shall conduct, in coordination with the Director of the Cybersecurity and Infrastructure Security Agency, in order to validate the utility of the covered metrics.

(4) ANALYSIS CAPACITY.—The Director of the Cybersecurity and Infrastructure Security Agency shall plan and coordinate an analysis capacity to develop a capability that allows for the analysis of the covered metrics, including cross-agency performance of agency cybersecurity and incident response capacity trends.

(d) CONGRESSIONAL REPORTS.—

(1) UTILITY OF METRICS.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the appropriate congressional committees a report on the utility of the covered metrics.

(2) USE OF METRICS.—Not later than 180 days after the date on which the Director promulgates guidance under subsection (c)(1), the Director shall submit to the appropriate congressional committees a report on the results of the use of the covered metrics by agencies.
required updates.—Not less frequently than once every 3 years, the Director shall review, and update as necessary, the model required to be developed under this subsection.

(5) publication.—The Director shall publish the model required to be developed under this subsection, and any updates necessary to the model required to be developed under this subsection, on the public website of the Office of Management and Budget.

(6) reports.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for each of the 2 following fiscal years or until the date on which the model required to be developed under subsection (a) is published, the Director shall submit to Congress on the development of the model.

(b) required use of risk-based budget model.—

(1) in general.—Not later than 2 years after the date on which the model developed under subsection (a) is published, the head of each covered agency shall use the model to develop the annual cybersecurity and information technology budget requests of the agency.

(2) agency performance plans.—Section 3553(c) of title 44, United States Code, is further amended by inserting after paragraph (5) the following:

(6) includes a performance plan for—

(A) cybersecurity and information technology budget requests of the agency; and

(B) the development of the model required to be developed under subsection (a).

(3) contents.—The plan required under subsection (a) shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice;

(2) recommendations on safeguards and procedures that shall be established to require that active defense techniques are adequately coordinated to ensure that active defense techniques do not impose threat response efforts, criminal investigations, and national security activities, including intelligence collection; and

(3) the development of a framework for the use of different active defense techniques by agencies.

SEC. 5182. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) purpose.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) plan.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal cybersecurity operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) contents.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans.

TITeL LV—PILOT PROGRAMS TO ENHANCE FEDERAL CYBERSECURITY

SEC. 5181. ACTIVE CYBER DEFENSIVE STUDY.

(a) definition.—In this section, the term ‘‘active defense technique’’ means—

(1) means an action taken on the systems of an agency to increase the security of information on the network of an agency by misleading an adversary; and

(2) includes a honeypot, deception, or purposefully feeding false or misleading data to an adversary when the adversary is on the systems of the entity.

(b) study.—Not later than 180 days after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency, in coordination with the Director, shall perform a study on the use of active defense techniques to enhance the security of agencies, which shall include—

(1) a review of legal restrictions on the use of different active cyber defense techniques in Federal environments, in consultation with the Department of Justice; and

(2) the development of a framework for the use of different active defense techniques by agencies.

SEC. 5182. SECURITY OPERATIONS CENTER AS A SERVICE PILOT.

(a) purpose.—The purpose of this section is for the Cybersecurity and Infrastructure Security Agency to run a security operation center on behalf of another agency, alleviating the need to duplicate this function at every agency, and empowering a greater centralized cybersecurity capability.

(b) plan.—Not later than 1 year after the date of enactment of this Act, the Director of the Cybersecurity and Infrastructure Security Agency shall develop a plan to establish a centralized Federal cybersecurity operations center shared service offering within the Cybersecurity and Infrastructure Security Agency.

(c) contents.—The plan required under subsection (b) shall include considerations for—

(1) collecting, organizing, and analyzing agency information system data in real time;

(2) staffing and resources; and

(3) appropriate interagency agreements, concepts of operations, and governance plans.
(1) DEFINITIONS.—In this title:

(a) COVERED INCIDENT.—The term ‘covered incident’ means a cyber incident that is below the micro-purchase threshold, and any additional agreements entered into with agencies under subsection (d).

(b) DIRECTOR.—The term ‘Director’ means the Director of the Cybersecurity and Infrastructure Security Agency.

(c) INFORMATION SYSTEM.—The term ‘information system’ means a computer system, computer network, or other set of information and information technology that is used by the Federal government or any other entity.

(d) PILOT PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date on which the plan required under subsection (b) is developed, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, shall enter into a 1-year agreement with not less than 2 agencies to offer a security service as a shared service.

(2) ADDITIONAL AGREEMENTS.—After the date on which the briefing required under subsection (e)(1) is provided, the Director of the Cybersecurity and Infrastructure Security Agency, in consultation with the Director, may enter into additional 1-year agreements described in paragraph (1) with agencies.

(e) BRIEFING AND REPORT.—

(1) BRIEFING.—Not later than 260 days after the date of enactment of this Act, the Director of the Federal Cybersecurity and Information Security Operations Center shall provide to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Reform of the House of Representatives a briefing on the parameters of any 1-year agreements entered into under subsection (d).

(2) REPORT.—Not later than 90 days after the date on which the first 1-year agreement entered into under subsection (d) expires, the Director of the Cybersecurity and Infrastructure Security Agency shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security and the Committee on Oversight and Reform of the House of Representatives a report on—

(A) the agreement; and

(B) any additional agreements entered into with agencies under subsection (d).

DIVISION F—CYBER INCIDENT REPORTING ACT OF 2021 AND CISA TECHNICAL CONTROL, AGENT, AND IMPROVEMENTS ACT OF 2021

TITLE LXI—CYBER INCIDENT REPORTING ACT OF 2021

SEC. 6101. SHORT TITLE.

This title may be cited as the ‘Cyber Incident Reporting Act of 2021’.

SEC. 6102. DEFINITIONS.

In this title:

(a) COVERED INCIDENT.—The term ‘covered incident’ means a significant cyber incident or group of those incidents in the future.

(b) COVERED ENTITY.—The term ‘covered entity’ or ‘covered entity data’ means a covered cyber incident or group of those incidents in the future.

(c) CYBER INCIDENT.—The term ‘cyber incident’ means a cyber attack or security vulnerability, immediately review those reports under section 2232(a) and 2233 involving an ongoing cyber threat or security vulnerability, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;

(2) receive, aggregate, analyze, and secure reports to lead the identification of tactics, techniques, and procedures used to perpetrate cyber incidents and ransomware attacks;

(3) coordinate and share information with appropriate Federal departments and agencies to identify and track ransom payments, including those utilizing virtual currencies;

(4) provide information gathered about cybersecurity incident and ransomware attacks;

(5) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, critical infrastructure owners and operators, cybersecurity and incident response firms, and security researchers; and

(6) provide appropriate entities, including agencies, sector coordinating councils, information sharing and analysis organizations, technology providers, cybersecurity and incident response firms, and security researchers, with timely, actionable, and anonymized reports of cyber incident campaigns and trends, including, to the maximum extent practicable, related contextual information, cyber threat indicators, and defensive measures, pursuant to section 2235;

(7) establish mechanisms to receive feedback from stakeholders on how the Agency is using processes consistent with the processes developed pursuant to the Cybersecurity and Infrastructure Security Act of 2015 (6 U.S.C. 1501 et seq.) reports from covered entities related to a covered cyber incident to assess the effectiveness of security controls, identify tactics, techniques, and procedures and to prepare and to support law enforcement agencies, to assess potential impact of incidents on public health and safety, and to have a more accurate picture of the cyber threat to critical infrastructure and the people of the United States;
or currently are impeding, the ability to use; and
sections 2232 and 2233, including—
any trends related to the information collected on covered cyber incidents and ransomware attacks.

(2) RANSOM PAYMENT REPORTS.—A covered entity, except for an individual or a small organization, that makes a ransom payment as the result of a ransomware attack against a covered entity that has not reported the ransom payment to the Director not later than 24 hours after the ransom payment has been made.

(3) SUPPLEMENTAL REPORTS.—A covered entity shall promptly submit to the Director an update or supplement to a previously submitted covered cyber incident report if new or different information becomes available or if the covered entity makes a ransom payment after submitting a covered cyber incident report required under paragraph (1).

(4) Penetration testing reports.—Any covered entity subject to requirements under paragraphs (1), (2), or (3) shall preserve data relevant to the covered cyber incident or ransom payment in accordance with procedures established in the final rule issued pursuant to subsection (b).

(5) EXCEPTIONS.—
(A) REPORTING OF COVERED CYBER INCIDENT WITH RANSOM PAYMENT.—If a covered cyber incident includes a ransom payment such that the reporting requirements under paragraph (3) are applicable, the covered entity may submit a single report to satisfy the requirements of both paragraphs in accordance with procedures established in the final rule issued pursuant to subsection (b).

(B) SUBSTANTIALLY SIMILAR REPORTED INCIDENT.—If a covered cyber incident is substantially similar to a previously reported covered cyber incident, which shall—
(i) the sophistication or novelty of the cyber incident; and
(ii) a disruption of business or industrial operations, or the scheme to make to implement subsection (a).

(C) Domestic critical infrastructure systems, such as the Internet Corporation for Assigned Names and Numbers, or the Internet Assigned Numbers Authority.

(4) MANAGEMENT, TIMING, AND FORM OF REPORTS.—Reports made under paragraphs (1), (2), and (3) shall be made in the manner and form, and within the time period in the case of reports made under paragraph (3), prescribed in the final rule issued pursuant to subsection (b).

(5) EFFECTIVE DATE.—Paragraphs (1) through (4) shall take effect—
(A) one year after the date of enactment of this section, which shall include the type, volume, and sensitivity of information contained in the briefings and reports that may be based on the unclassified information contained in the briefings required under subsection (c);

(B) IN GENERAL.—The Director is authorized to issue rules to amend or revise the final rule issued pursuant to paragraph (2).

(C) PERIODIC BRIEFING.—Any subsequent rule issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

(D) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

(vi) a clear description of the types of entities that constitute covered entities, based on
(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety;
(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and
(C) the extent to which damage, disruption, or unauthorized access to such an entity, including the accessing of sensitive cybersecurity vulnerability information or information obtained through testing activities, will likely enable the disruption of the reliable operation of critical infrastructure.

(E) A clear description of the types of subentities that constitute covered cyber incidents, which shall—
(A) at a minimum, require the occurrence of
(i) the unauthorized access to an information system or network with a substantial loss of confidentiality, integrity, or availability, of such information system or network, a serious impact on the resiliency of operational systems and processes;
(ii) a disruption of business or industrial operations due to a cyber incident; or
(iii) an occurrence described in clause (i) or (ii) due to loss of service facilitated through, or caused by, a compromise of a cloud service provider, managed service provider, or other third-party data hosting provider or by a supply chain compromise;
(C) consider
(i) the sophistication or novelty of the tactics used to perpetrate such an incident, as well as the type, volume, and sensitivity of the data at issue;
(ii) the number of individuals directly or indirectly affected or potentially affected by such an incident; and
(iii) potential impacts on industrial control systems, such as supervisory control and data acquisition systems, distributed control systems, and programmable logic controllers; and
(D) exclude
(i) any event where the cyber incident is perpetuated by good faith safety research conducted in response to an invitation by the owner or operator of the information system for third parties to find vulnerabilities in the information system, such as through a vulnerability disclosure program or the use of authorized penetration testing services; and
(ii) the threat of disruption as extortion, as described in section 2209(a).

(E) RULEMAKING.—
(1) NOTIFICATION OF PROPOSED RULEMAKING.—Not later than 2 years after the date of enactment of this section, the Director, in consultation with Sector Risk Management Authorities, and other Federal agencies, shall publish in the Federal Register a notice of proposed rulemaking to implement subsection (a). The notice shall be published not later than 90 days after the date of such publication.

(2) FINAL RULE.—Not later than 18 months after publication of the notice of proposed rulemaking under paragraph (1), the Director shall issue a final rule to implement subsection (a).

(F) SUBSEQUENT RULEMAKINGS.—
(1) IN GENERAL.—The Director is authorized to issue rules to amend or revise the final rule issued pursuant to paragraph (2).

(G) PROCEDURES.—Any subsequent rule issued under subparagraph (A) shall comply with the requirements under chapter 5 of title 5, United States Code, including the issuance of a notice of proposed rulemaking under section 553 of such title.

(H) ELEMENTS.—The final rule issued pursuant to subsection (b) shall be composed of the following elements:

(i) a clear description of the types of entities that constitute covered entities, based on
(A) the consequences that disruption to or compromise of such an entity could cause to national security, economic security, or public health and safety; and
(B) the likelihood that such an entity may be targeted by a malicious cyber actor, including a foreign country; and
and available, with respect to a covered cyber incident:

''(A) A description of the covered cyber incident, including—
   (i) the location and a description of the function of the affected information systems, networks, or devices that were, or are reasonably believed to have been, affected by such incident;
   (ii) a description of the unauthorized access with substantial loss of confidentiality, integrity, or availability of the affected information system, network, or disruption of business or industrial operations;
   (iii) the estimated date range of such incident; and
   (iv) the impact to the operations of the covered entity;

''(B) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the covered cyber incident.

''(C) Where applicable, any identifying or contact information related to each actor reasonably believed to be responsible for such incident.

''(D) Where applicable, identification of the category or categories of information that were, or are reasonably believed to have been, accessed or acquired by an unauthorized person.

''(E) The name and other information that clearly identifies the entity impacted by the covered cyber incident.

''(F) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the covered entity or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, the covered entity to assist with compliance with the requirements of this subtitle.

''(G) A clear description of the specific required contents of a report pursuant to subsection (a)(2), which shall be the following information, to the extent applicable and available, with respect to a ransom payment: (1) A description of the ransomware attack, including the estimated date range of the attack.

''(H) Where applicable, a description of the vulnerabilities, tactics, techniques, and procedures used to perpetuate the ransomware attack.

''(I) Where applicable, any identifying or contact information related to the actor or actors reasonably believed to be responsible for the ransomware attack.

''(J) Any other information that clearly identifies the entity that made the ransom payment.

''(K) Contact information, such as telephone number or electronic mail address, that the Center may use to contact the entity that made the ransom payment or an authorized agent of such covered entity, or, where applicable, the service provider of such covered entity acting with the express permission of, and at the direction of, that entity to assist with compliance with the requirements of this subtitle.

''(L) The date of the ransom payment.

''(M) The ransom payment demand, including the type of virtual currency or other cryptocurrency used, if applicable.

''(N) The ransom payment instructions, including information regarding where to send the payment, such as the virtual currency address or the funds were requested to be sent to, if applicable.

''(O) The amount of the ransom payment.

''(P) A clear description of the types of data required under paragraph (1), (2), and (3) of subsection (a)(4) and the period of time for which the data is required to be preserved.

''(Q) Deadlines for submitting reports to the Director required under subsection (a)(3), which shall—
   (1) be established by the Director in consultation with the Center; and
   (2) consider any existing regulatory reporting requirements similar in scope, purpose, and timing to the reporting requirements to which such a covered entity may also be subject, and make efforts to harmonize the timing and contents of any such reports to the maximum extent practicable; and

''(R) Balance the need for situational awareness with the ability of the covered entity to conduct incident response and investigations.

''(b) Procedures for—
   (1) entities to submit reports required by paragraphs (1), (2), or (3) of subsection (a), including the manner and form thereof, which shall include, at a minimum, a concise, user-friendly web-based form;
   (2) the means by which to carry out the enforcement provisions of section 2233, including with respect to the issuance, service, withdrawal, and enforcement of subpoenas, appeals and due process procedures, the suspension and debarment provisions in section 2234(c), and other aspects of noncompliance; and
   (3) implementing the exceptions provided in subsections (b)(1) and (b)(2) of section 2234.

''(c) The ransom payment report may include the following information:

''(1) A clear description of the types of entities that constitute other private sector entities for purposes of section 2229(b)(7).

''(2) A description of the ransom payment, such as the virtual currency used, the date of the ransom payment, and if the Director is unable to obtain information about such incident or ransom payment by engaging the entity directly to request information about the incident or ransom payment, and if the Director is unable to obtain information through such engagement, by issuing a subpoena to the entity, the party that made the ransom payment or an authorized agent of such covered entity, that is required to submit a covered cyber incident report or a ransom payment report, and may enhance the situational awareness of cyber threats.

''(3) A clear description of the types of entities that constitute other private sector entities for purposes of section 2229(b)(7).

''(d) Third Party Report Submission and Ransom Payment—

''(1) IN GENERAL.—An entity, including a covered entity, that is required to submit a covered cyber incident report or a ransom payment report may use a third party, such as an incident response company, insurance, or public or private information sharing and analysis organization, or law firm, to submit the required report under subsection (a).

''(2) RANSOM PAYMENT.—If an entity impacted by a ransomware attack uses a third party to make a ransom payment, the third party shall not be required to submit a ransom payment report for itself under subsection (a)(2).

''(3) DUTY TO REPORT.—Third-party reporting under paragraph (1) shall not relieve a covered entity or an entity that makes a ransom payment from the duty to comply with the requirements for covered cyber incident report or ransom payment report submission.

''(4) RESPONSIBILITY TO ADVISE.—Any third party used by an entity that knowingly makes a ransom payment on behalf of an entity impacted by a ransomware attack shall advise the impacted entity of the responsibilities of the impacted entity regarding reporting ransom payments under this section.

''(e) Outreach to Covered Entities.—

   (1) IN GENERAL.—The Director shall conduct an outreach and education campaign to inform likely covered entities, entities that offer or advertise as a service to customers to make or facilitate ransom payments on behalf of, or impacted by ransomware attacks, potential ransomware attack victims, and other appropriate entities of the requirements of paragraphs (1), (2), and (3) of subsection (a).

   (2) ELEMENTS.—The outreach and education campaign under paragraph (1) shall include the following:

      (A) An overview of the final rule issued pursuant to subsection (b).

      (B) An overview of the mechanism to submit to the Director covered cyber incident reports and information relating to the disclosure, retention, and use of incident reports under this section.

      (C) An overview of the protections afforded to covered entities for complying with the requirements under paragraphs (1), (2), and (3) of subsection (a).

      (D) An overview of the steps taken under section 2234 when a covered entity is not in compliance with the reporting requirements under subsection (a).

      (E) Specific outreach to cybersecurity vendors, incident response providers, cyber security insurance entities, and other entities that may support covered entities or ransomware attack victims.

      (F) An overview of the privacy and civil liberties requirements in this subtitle.

      (G) COORDINATION.—In conducting the outreach and education campaign required under paragraph (1), the Director may coordinate with—

         (A) the Critical Infrastructure Protection Advisory Council established under section 871;

         (B) information sharing and analysis organizations;

         (C) trade associations;

         (D) information sharing and analysis centers;

         (E) sector coordinating councils; and

         (F) any other entity as determined appropriate by the Director.

      (H) ORGANIZATION OF REPORTS.—Notwithstanding chapter 35 of title 44, United States Code (commonly known as the ‘Paperwork Reduction Act’), the Director may request information within the scope of the final rule issued under subsection (b) by the alteration of existing questions or response fields and the reorganization and reformatting of the means by which covered cyber incident reports, ransom payment reports, and any voluntarily offered information is submitted to the Center.

   SEC. 2233. VOLUNTARY REPORTING OF OTHER CYBER INCIDENTS.

   (a) IN GENERAL.—Entities may voluntarily report incidents or ransom payments to the Director that are not required under paragraph (1), (2), or (3) of section 2233(a), but may enhance the situational awareness of cyber threats.

   (b) VOLUNTARY PROVISION OF ADDITIONAL INFORMATION IN REQUIRED REPORTS.—Entities may voluntarily include in reports required under paragraph (1), (2), or (3) of section 2233(a) information that is not required to be included, but may enhance the situational awareness of cyber threats.

   (c) APPLICATION OF PROTECTIONS.—The protections under section 2233 applicable to covered cyber incident reports shall apply in the same manner and to the same extent to reports and information submitted under subsections (a) and (b).
pursuant to subsection (c), to gather information sufficient to determine whether a covered cyber incident or ransom payment has occurred, and, if so, whether additional action is warranted pursuant to subsection (d).

"(b) Initial Request for Information.—

"(1) IN GENERAL.—If the Director has reason to believe through analysis performed pursuant to paragraph (1) or (2) of section 2231(a), that an entity has experienced a covered cyber incident or made a ransom payment but failed to report such incident or payment to the Center within the applicable period, the Director may request such information from the entity.

"(2) TREATMENT.—Information provided to the Center in response to a request under paragraph (1) shall be treated as if it was submitted through the reporting procedures established in section 2232.

"(c) Authority to Issue Subpoenas and Debar.—

"(1) IN GENERAL.—If, after the date that is 72 hours from the date on which the Director made the request for information in subsection (b), the Director has received no response from the entity, or the information received is inadequate, the Director shall request additional information from the entity to confirm whether or not a covered cyber incident or ransom payment has occurred.

"(2) Civil Action.—

"(A) IN GENERAL.—If an entity fails to comply with a request for information pursuant to subsection (b)(1), or (2), the Director may refer the matter to the Attorney General to bring a civil action in a district court of the United States to enforce such subpoena.

"(B) JUDGMENT.—In any civil action brought in a district court of the United States to enforce a subpoena issued under section 2231, the court may impose additional available penalties, including contempt of court.

"(C) NON-DELEGATION.—The authority of the Director to issue a subpoena under this subsection may not be delegated.

"(D) DEBARMENT OF FEDERAL CONTRACTORS.—The Director may refer to the appropriate Federal regulatory agency any covered cyber incident or ransom payment report submitted to the Center by an entity that makes a ransom payment or third party under section 2232 any immunity from law enforcement action for making a ransom payment or other information in the possession of the entity that makes a ransom payment or third party.

"(3) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to provide an entity with a covered cyber incident or ransom payment immunity from any law enforcement action.

"(d) Exclusions.—This section shall not apply to a State, local, Tribal, or territorial government.

"(1) AUTHORIZED ACTIVITIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Center by an entity that makes a ransom payment or third party under section 2232 or 2233 or any information contained in any Dispose of spinoff indicators and debarment to appropriate stakeholders actionable, and unauthorized use or disclosure any information that may contain—

"(B) information contained in covered cyber incident and ransom payment reports submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes adopted pursuant to section 106 of the Cybersecurity Act of 2015 (6 U.S.C. 1540(a)(5)(A)(v)).

"(C) PRIVACY AND CIVIL LIBERTIES.—Information contained in covered cyber incident and ransom payment reports submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes adopted pursuant to section 106 of the Cybersecurity Act of 2015 (6 U.S.C. 1540(a)(5)(A)(v)).

"(D) DIGITAL SECURITY.—The Center and the Agency shall ensure that reports submitted to the Center or the Agency pursuant to section 2232, and any information contained in those reports, are collected, stored, and protected at a minimum in accordance with the requirements for moderate impact Federal information systems, as described in Federal Information Processing Standards Publication 199, or any successor document.

"(E) PROHIBITION ON USE OF INFORMATION IN REGULATORY ACTIONS.—State, local, or Tribal government shall not use information about a covered cyber incident or ransom payment obtained solely through receipt of law enforcement action directly to the Agency in accordance with this subtitle to regulate, including through an enforcement action, the activities of the covered entity or entity that made a ransom payment.

"(F) NO WAIVER OF PRIVILEGE OR PROTECTION.—The submission of a report to the Center or the Agency pursuant to section 2232 shall not constitute a waiver of any applicable privilege or protection, including trade secret protection and attorney-client privilege.

"(G) CONSIDERATIONS.—When determining whether to exercise the authorities provided by this section, the Director shall take into consideration—

"(1) the size and complexity of the entity;

"(2) the prior interaction with the Agency or awareness of the entity of the policies and procedures of the Center for reporting covered cyber incidents and ransom payments;

"(3) RULE OF CONSTRUCTION.—Nothing in this subtitle shall be construed to provide an entity with a covered cyber incident or ransom payment immunity from any law enforcement action.

"(h) PUBLICATION OF THE ANNUAL REPORT.—The Director shall submit to Congress an annual report on the number of times the Director—

"(1) issued an initial request for information pursuant to subsection (b);

"(2) issued a subpoena pursuant to subsection (c);

"(3) referred a matter to the Attorney General for a civil action pursuant to subsection (c)(2).

"(i) ANONYMIZATION OF REPORTS.—The Director shall ensure any victim information that may be contained in a ransom payment report regarding a security vulnerability referred to in paragraph (1)(B)(iv), the Center shall immediately review the report and determine whether the incident that is the subject of the report is connected to an ongoing cyber threat or security vulnerability and where applicable, use such report to identify, develop, and rapidly disseminate to appropriate stakeholders actionable, and ransom payment reports submitted to the Center by an entity that makes a ransom payment or third party under section 2232 shall be retained, used, and disseminated, where permissible and appropriate, by the Federal Government in accordance with processes adopted pursuant to section 106 of the Cybersecurity Act of 2015 (6 U.S.C. 1540(a)(5)(A)(v)).
"(c) EXEMPTION FROM DISCLOSURE.—Information contained in a report submitted to the Office under section 2323 shall be exempt from disclosure under section 552(b)(3)(B) of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’) and any State, Tribal, or local provision of law requiring disclosure of information or records.

"(d) EX PARTE COMMUNICATIONS.—The submission of a report to the Agency under section 2322 shall not be subject to a rule of any Federal State, Tribal, or local government pursuant to section 2234(c)(2).

"(e) LIABILITY PROTECTIONS.—(1) IN GENERAL.—No cause of action shall lie or be maintained in any court by any person or entity and any such action shall be promptly dismissed for the submission of a report pursuant to section 2322(a) that is submitted in conformance with this subtitle and the rule promulgated under section 2322(b), except that this subsection shall not apply with regard to an action by the Federal Government pursuant to section 2324(c)(2).

"(2) SCOPE.—The liability protections provided under paragraph (1) shall only apply to any affirming litigation that is solely based on the submission of a covered cyber incident report or ransom payment report to the Center or the Attorney General.

"(3) RESTRICTIONS.—Notwithstanding paragraph (2), no report submitted to the Agency pursuant to this subtitle or any communication, information, material, or other record, created for the sole purpose of preparing, drafting, or submitting such report, may be received in evidence, subject to discovery, or otherwise used in any proceeding in or before any court, regulatory body, or other authority of the United States, a State, or a political subdivision thereof, unless in this record will create a defense to discovery or otherwise affect the discovery of any communication, document, material, or other record not recorded for the sole purpose of preparing, drafting, or submitting such report.

"(f) SHARING WITH NON-FEDERAL ENTITIES.—The Agency shall anonymize the victim who reported the information when making information provided in reports received by the Agency available to eligible critical infrastructure owners and operators and the general public.

"(g) PROPRIETARY INFORMATION.—Information contained in a report submitted to the Agency under section 2322 shall be considered the commercial, financial, and proprietary information of the covered entity so designated by the covered entity.

"(h) STORED COMMUNICATIONS ACT.—Nothing in this subtitle shall be construed to permit or require disclosure by a provider of a remote computing service or a provider of an electronic communication service to the public of information not otherwise permitted or required to be disclosed under chapter 552(b)(3) of title 5, United States Code (commonly known as the ‘‘Stolen Communications Act’’).

"(i) UNITED STATES AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the items relating to subsection B of title XXII the following:

"Subtitle C—Cyber Incident Reporting

"Sec. 2230. Definitions.

"Sec. 2231. Cyber Incident Review.

"Sec. 2232. Voluntary reporting of other cyber incidents.

"Sec. 2233. Noncompliance with required reporting.

"Sec. 2235. Information shared with or provided to the Federal Government.

"Sec. 6104. FEDERAL SHARING OF INCIDENT REPORTS.

"(a) CYBER INCIDENT REPORTING SHARING.—(1) IN GENERAL.—Notwithstanding any other provision of law or regulation, any report required under any law for reporting any incident of any establishment (as defined in section 104 of title 5, United States Code), that receives a report from an individual, in including a ransomware attack, shall provide the report to the Director as soon as possible, but not later than 24 hours after receiving the report. A shorter period is required by an agreement made between the Cybersecurity Infrastructure Security Agency and the recipient Federal agency. The Director shall share the report pursuant to section 2323(b) of the Homeland Security Act of 2002, as added by section 6103 of this title.

"(2) RULE OF CONSTRUCTION.—The requirements described in paragraph (1) shall not be construed to be a violation of any provision of law or policy that would otherwise prohibit disclosure under the executive branch.

"(3) PROTECTION OF INFORMATION.—The Director shall comply with any obligations of the recipient Federal agency described in paragraph (1). The Director shall take appropriate steps to ensure that information, including with respect to privacy, confidentiality, or information security, if those obligations would impose greater protection requirements than the Act or the amendments made by this Act.

"(4) FOIA EXEMPTION.—Any report received by the Director pursuant to paragraph (1) shall be exempt from disclosure under section 552(b)(3) of title 5, United States Code (commonly known as the ‘‘Freedom of Information Act’’).

"(b) CREATION OF COUNCIL.—Section 1752(c) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 150c)(H) is amended—

"(1) in paragraph (1)—

"(A) in subparagraph (G), by striking ‘‘and’’ at the end;

"(B) by redesignating subparagraph (H) as subparagraph (J); and

"(C) by inserting after subparagraph (G) the following:

"(‘‘B) intergovernmental Cyber Incident Reporting Council, in coordination with the Director of the Office of Management and Budget, the Attorney General, and the Director of the Cybersecurity Infrastructure Security Agency and in consultation with Sector Risk Management Agencies (as defined in section 2201 of the Homeland Security Act of 2002 (6 U.S.C. 651)) and other appropriate Federal agencies, to coordinate, deconflict, and harmonize Federal incident reporting requirements, including those issued through regulations, for covered entities (as defined in section 2230 of such Act) and entities that make a ransom payment (as defined in such section 2230 (6 U.S.C. 651)); and’’;

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

"(‘‘3) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal entity.’’.

"(c) HARMONIZING REPORTING REQUIREMENTS.—The National Cyber Director shall, in consultation with the Attorney General, the Cyber Incident Reporting Council described in section 1752e(c)(1)(H) of the William M. (Mac) Thornberry National Defense Authorization Act for Fiscal Year 2021 (6 U.S.C. 1500(c)(1)(H)), and the Director of the Office of Management and Budget, to the maximum extent practicable, (1) periodically review existing regulatory requirements, including the information required in such reports, to report cyber incidents and ensure that any such reporting requirements and procedures avoid conflict, duplicative, or burdensome requirements; and

"(2) coordinate with the Director, the Attorney General, and regulatory authorities that receive reports relating to cyber incidents to establish and maintain reporting processes, and where feasible, facilitate interagency agreements between such authorities to permit the sharing of such reports, consistent with applicable law and policy, without impacting the ability of such agencies to gain timely situational awareness of a covered cyber incident or ransom payment.

"Sec. 6105. RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.

"(a) PROGRAM.—Not later than 1 year after the date of enactment of this Act, the Director shall establish a ransomware vulnerability warning program to leverage existing authorities and technology to specifically develop processes and procedures for, and to dedicate resources to, identifying information systems that contain security vulnerabilities associated with common ransomware attacks to notify the owners of those vulnerable systems of their security vulnerability.

"(b) IDENTIFICATION OF VULNERABLE SYSTEMS.—The pilot program established under subsection (a) shall—

"(1) identify the most common security vulnerabilities utilized in ransomware attacks and mitigation techniques

"(2) utilize existing authorities to identify Federal and other relevant information systems that contain the security vulnerabilities identified in paragraph (1).

"(c) ENTITY NOTIFICATION.—

"(1) IDENTIFICATION.—If the Director is able to identify the entity at risk that owns or operates a vulnerable system that is identified in subsection (b), the Director may notify the owner of the information system.

"(2) NO IDENTIFICATION.—If the Director is not able to identify the entity at risk that owns or operates a vulnerable information system identified in subsection (b), the Director may utilize the subpoena authority pursuant to section 2234(a) of the Homeland Security Act of 2002 (6 U.S.C. 659) to identify and notify the entity at risk pursuant to the procedures within that section.

"(d) REQUIRED INFORMATION.—A notification made under paragraph (1) shall include information on the identified security vulnerability and mitigation techniques.

"(e) PRIORITIZATION OF REPORTS AND NOTIFICATIONS.—To the extent practicable, the Director shall prioritize covered entities for identification and notification activities under the pilot program established under this section.

"(f) LIMITATION ON PROCEDURES.—No procedure, notification, or other authorities utilized in the execution of the pilot program established under subsection (a) shall require an owner or operator of a vulnerable information system to take any action as a result of a notice of a security vulnerability made pursuant to subsection (c).

"(g) TERMINATION.—The pilot program established under subsection (a) shall terminate on the date that is 4 years after the date of enactment of this Act.

"Sec. 6106. RANSOMWARE THREAT MITIGATION ACTIVITIES.

"(a) JOINT RANSOMWARE TASK FORCE.

"(1) IN GENERAL.—Not later than 180 days after the date of enactment of this Act, the National Cyber Director, in consultation

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with the Attorney General and the Director of the Federal Bureau of Investigation, shall establish and chair the Joint Ransomware Task Force to coordinate an ongoing nationwide campaign against ransomware attacks and identify and pursue opportunities for international cooperation.

(2) COMPOSITION.—The Joint Ransomware Task Force shall consist of participants from Federal agencies, as determined appropriate by the National Cyber Director in consultation with the Secretary of Homeland Security.

(3) RESPONSIBILITIES.—The Joint Ransomware Task Force, utilizing only existing authorities of each participating agency, shall—

(A) Prioritize of intelligence-driven operations to disrupt specific ransomware actors;

(B) Consult with relevant private sector, State, local, Tribal, and territorial governments and international stakeholders to identify needs and establish mechanisms for providing input into the Task Force;

(C) Identifying, in consultation with relevant entities, a list of highest threat ransomware actors; and

(D) Facilitating coordination and collaboration between Federal entities and relevant entities, including the private sector, to improve Federal actions against ransomware threats.

(4) Collection, sharing, and analysis of ransomware trends to inform Federal actions.

(5) Creation of after-action reports and other lessons learned from Federal actions that identify successes and failures to improve subsequent actions.

(6) Any other activities determined appropriate by the task force to mitigate the threat of ransomware attacks against Federal entities.

(b) REPORT ON OPPORTUNITIES TO STRENGTHEN SECURITY RESEARCH.—Not later than 1 year after the date of enactment of this Act, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report describing how the National Cybersecurity and Communications Integration Center established under section 2209 of the Homeland Security Act of 2002 (6 U.S.C. 659) has carried out activities under section 2231(a)(9) of the Homeland Security Act of 2002, as added by section 6103(a) of this title, by proactively identifying cybersecurity incident data to inform and enable cybersecurity research within the academic and private sector.

(c) REPORT ON RANSOMWARE VULNERABILITY WARNING PILOT PROGRAM.—Not later than 1 year after the date of enactment of this Act, and annually thereafter for the duration of the pilot program established under section 6105, the Director shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report which may include a classified annex, on the effectiveness of the pilot program and shall include a discussion of the following:

(1) The effectiveness of the notifications under section 6105(c) in mitigating security vulnerabilities and the threat of ransomware.

(2) Identification of the most common vulnerabilities utilized in ransomware.

(3) The number of notifications issued during the preceding year.

(4) To the extent practicable, the number of vulnerable devices or systems mitigated under this pilot by the Agency during the preceding year.

(d) REPORT ON HARMONIZATION OF REPORTING REQUIREMENTS.—

(1) IN GENERAL.—Not later than 180 days after the date on which the National Cyber Director convenes the Council described in section 1756P(1)(H) of title 15, United States Code, the National Cyber Director shall submit to the appropriate committees of Congress a report that includes—

(A) a list of duplicative Federal cyber incident reporting requirements on covered entities and entities that make a ransom payment;

(B) a description of any challenges in harmonizing the duplicative reporting requirements;

(C) any actions the National Cyber Director intends to take to facilitate harmonizing the duplicative reporting requirements; and

(D) any policy changes necessary to address the duplicative reporting.

(2) RULE OF CONSTRUCTION.—Nothing in paragraph (1) shall be construed to provide any additional regulatory authority to any Federal agency.

(e) GAO REPORTS.—

(1) IMPLEMENTATION OF THIS ACT.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the implementation of this Act and the amendments made by this Act.

(2) EXEMPTIONS TO REPORTING.—Not later than 1 year after the date on which the Director issues the final rule required under section 6202 of the Homeland Security Act of 2002, as added by section 6103 of this title, the Comptroller General of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives a report on the impact on entities required to report cyber incidents under this Act, including an analysis of entities that meet the definition of a small organization and would be exempt from ransom payment reporting but not for being a covered entity; and

(f) EFFECTIVE DATE.—The amendment made by paragraph (1) shall take effect as if...
enacted as part of the DOTGOV Act of 2020 (title IX of division U of Public Law 116–260).

SEC. 6203. CONSOLIDATION OF DEFINITIONS.

(a) In General.—Title XXII of the Homeland Security Act of 2002 (6 U.S.C. 651) is amended by inserting before the subtitle A heading the following:

"SEC. 6200. DEFINITIONS.

Except as otherwise specifically provided, in this title:

(1) AGENCY.—The term 'Agency' means the Cybersecurity and Infrastructure Security Agency and its agencies.

(2) AGENCY INFORMATION.—The term 'agency information' means information collected or maintained by or on behalf of an agency.

(3) AGENCY INFORMATION SYSTEM.—The term 'agency information system' means an information system used or operated by an agency or by another entity on behalf of an agency.

(4) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

(A) the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Committee on Homeland Security of the House of Representatives.

(5) CLOUD SERVICE PROVIDER.—The term 'cloud service provider' means an entity offering products or services related to cloud computing, as defined by the National Institutes of Standards and Technology in NIST Special Publication 800-145 and any amendatory or superseding document relating thereto.

(6) CRITICAL INFRASTRUCTURE INFORMATION.—The term 'critical infrastructure information' means information not customarily in the public domain and related to the security of critical infrastructure or protected systems, including—

(A) actual, potential, or threatened interference with, attack on, compromise of, or incapacitation of critical infrastructure or protected systems by either physical or computer-based attack or other similar conduct (including the misuse of or unauthorized access to all types of communications and data transmission systems) that violates Federal, State, or local law, harms interstate commerce of the United States, or threatens public health or safety;

(B) the ability of any critical infrastructure or protected system to resist such interference or incapacitation, including any planned or past assessment, projection, or estimate of the vulnerability of critical infrastructure or a protected system, including security testing, risk evaluation thereto, risk management planning, or risk audit; or

(C) any planned or past operational problem or solution regarding critical infrastructural or protected systems, including repair, recovery, reconstruction, insurance, or continuity, to the extent it is related to such interference or incapacitation.

(7) CYBER THREAT INDICATOR.—The term 'cyber threat indicator' means information that is necessary to describe or identify—

(A) malicious reconnaissance, including anomalous patterns of communications that appear to be transmitted for the purpose of gathering technical information related to a cybersecurity threat or security vulnerability;

(B) a method of defeating a security control or exploitation of a security vulnerability;

(C) a security vulnerability, including anomalous activity that appears to indicate the existence of a security vulnerability;

(D) causing a user with legitimate access to an information system or information that is stored on, processed by, or transmitting an information system to un-wittingly enable the defeat of a security control or exploitation of a security vulnerability;

(E) malicious cyber command and control;

(F) the actual or potential harm caused by an incident, including a description of the information system as a result of a particular cybersecurity threat;

(G) any other attribute of a cybersecurity threat, if disclosure of such attribute is not otherwise used to mitigate such threat;

(H) any combination thereof.

(8) CYBERSECURITY PURPOSE.—The term 'cybersecurity purpose' means the purpose of protecting an information system or information or information systems, including such related consequences caused by an act of terrorism; and

(9) CYBERSECURITY RISK.—The term 'cybersecurity risk' means—

(A) means threats to and vulnerabilities of information or information systems and any related consequences caused by or resulting from unauthorized access, use, disclosure, degradation, disruption, modification, or destruction of such information or information systems, including such related consequences caused by an act of terrorism; and

(B) does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(10) CYBERSECURITY THREAT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'cybersecurity threat' means an action, not protected by the First Amendment to the Constitution of the United States, on or through an information system that may result in an unauthorized effort to adversely impact the security, availability, confidentiality, or integrity of an information system or information that is stored on, processed by, or transmitting an information system.

(B) EXCLUSION.—The term 'cybersecurity threat' does not include any action that solely involves a violation of a consumer term of service or a consumer licensing agreement.

(11) DEFENSIVE MEASURE.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term 'defensive measure' means—

(i) the entity operating the measure; or

(ii) another entity or Federal entity that is authorized to provide consent and has provided consent to that private entity for operation of such measure.

(B) EFFECTIVE SECURITY ENTERPRISE.—The term 'Homeland Security Enterprise' means relevant governmental and non-governmental entities involved in homeland security, federal, local, and Tribal government officials, private sector representatives, academics, and other policy experts.

(C) INCIDENT.—The term 'incident' means an occurrence that actually or imminently jeopardizes, without lawful authority, an information system.

(14) INFORMATION SHARING AND ANALYSIS ORGANIZATION.—The term 'Information Sharing and Analysis Organization' means any formal or informal entity or collaboration created or employed by public or private sector organizations, for purposes of—

(A) gathering and analyzing critical infrastructure information, including information related to cybersecurity risks and incidents, in order to better understand security problems and interdependencies related to critical infrastructure, including cybersecurity risks and incidents, in systems, so as to ensure the availability, integrity, and reliability thereof;

(B) communicating or disclosing critical infrastructure information, including cybersecurity risks and incidents, to other systems, so as to ensure the availability, integrity, and reliability thereof;

(C) voluntarily disseminating critical infrastructure information, including cybersecurity risks and incidents, to its members, State, local, and Federal Governments, or any other entities that may be of assistance in carrying out the purposes specified in subparagraph (A) and (B).

(15) INFORMATION SYSTEM.—The term 'information system' has the meaning given the term in section 3502 of title 44, United States Code.

(16) INTELLIGENCE COMMUNITY.—The term 'intelligence community' has the meaning given the term in section 3(4) of the National Security Act of 1947 (50 U.S.C. 3008(4)).

(17) MANAGED SERVICE PROVIDER.—The term 'managed service provider' means an entity that delivers services, such as network, application, infrastructure, or security services, via ongoing and regular support and active administration on the premises of a customer or in a third party data center.

(18) MONITOR.—The term 'monitor' means to acquire, identify, or scan, or to possess, information that is stored on, processed by, or transmitting an information system.

(19) NATIONAL CYBERSECURITY ASSET RESPONSE ACTIVITIES.—The term 'national cybersecurity asset response activities' means—

(A) furnishing cybersecurity technical assistance to entities affected by cybersecurity risks to protect assets, mitigate vulnerabilities, and reduce impacts of cyber incidents;

(B) identifying other entities that may be at risk of an incident and assessing risk to the same or similar vulnerabilities;

(C) assessing potential cybersecurity risks to a sector or region, including potential cascading effects, and developing courses of action to mitigate such risks;

(D) facilitating information sharing and operational coordination with threat response; and

(E) providing guidance on how best to utilize Federal resources and capabilities in a timely, effective manner to speed recovery from cybersecurity risks.

(20) NATIONAL SECURITY SYSTEM.—The term 'national security system' means a new or existing managed service provider, managed service, a system, or a network that is necessary to protect national security interests within the United States, including a system that is necessary to protect against or respond to a threat to national security interests; or a system that is necessary to protect against or respond to a threat to national security interests by reason of its role as a managed service provider.

(21) RANSOM PAYMENT.—The term 'ransom payment' means the transmission of any money or other property or asset, including virtual currency, to any portion thereof, which has at any time been delivered as ransom in connection with a ransomware attack.

(22) RANSOMWARE ATTACK.—The term 'ransomware attack'—
“(A) means a cyber incident that includes the use or threat of use of unauthorized or malicious code on an information system, or the use or threat of use of another digital mechanism, such as a denial of service attack, to interrupt or disrupt the operations of an information system or compromise the confidentiality, availability, or integrity of electronic data, processed on, transmitted in, or residing in an information system in order to extort a demand for a ransom payment; and

“(B) does not include any such event where the damage is caused by a Federal Government entity, good faith security research, or in response to an invitation by the owner or operator of the information system for third parties to identify vulnerabilities in the information system.

“(23) SECTOR RISK MANAGEMENT AGENCY.—The term ‘Sector Risk Management Agency’ means a Federal department or agency, designated by law or Presidential directive, with responsibility for providing institutional knowledge and specialized expertise of a sector, as well as leading, facilitating, or supporting programs and associated activities of its designated critical infrastructure sector and its environment in coordination with the Department.

“(24) SECURITY CONTROL.—The term ‘security control’ means the management, operation, and technical controls used to protect against an unauthorized effort to adversely affect the confidentiality, integrity, and availability of an information system or its information.

“(25) SECURITY VULNERABILITY.—The term ‘security vulnerability’ means any attribute of hardware, software, process, or procedure that could enable or facilitate the defeat of a security control.

“(26) SHARING.—The term ‘sharing’ (including ‘collect’, ‘insight’, ‘process’, and ‘receive’) means providing, receiving, and disseminating (including all conjugations of each such terms).

“(27) SUPPLY CHAIN COMPROMISE.—The term ‘supply chain compromise’ means a cyber incident within the supply chain of an information system that an adversary can leverage to jeopardize the confidentiality, integrity, or availability of the information technology system or the information the system processes, stores, or transmits, and can occur at any point during the life cycle.

“(28) VIRTUAL CURRENCY.—The term ‘virtual currency’ means the digital representation of value that functions as a medium of exchange, a unit of account, or a store of value.

“(29) VIRTUAL CURRENCY ADDRESS.—The term ‘virtual currency address’ means a unique public cryptographic key identifying the location to which a virtual currency payment can be made.”.

(b) TECHNICAL AND CONFORMING AMENDMENTS.—

(1) by striking paragraphs (4) through (7) and inserting the following:

“(4) DEFENSIVE MEASURE.—The term ‘defensive measure’ has the meaning as given the term in section 2209 of the Homeland Security Act of 2002.

“(5) CYBERSECURITY THREAT.—The term ‘cybersecurity threat’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(6) CYBER THREAT INDICATOR.—The term ‘cyber threat indicator’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(7) DEFENSIVE MEASURE.—The term ‘defensive measure’ has the meaning given the term in section 2209 of the Homeland Security Act of 2002.

“(8) PROTECTIVE MEASURE.—The term ‘protective measure’ has the meaning given the term in section 2209 of the Homeland Security Act of 2002.

“(9) SECURITY VULNERABILITY.—The term ‘security vulnerability’ has the meaning given the term in section 2200 of the Homeland Security Act of 2002.

“(10) CYBER DEFENSE OPERATION DEFINED.—In this section, the term ‘cyber defense operation’ means the use of a defensive measure.

“(11) VIRTUAL CURRENCY ADDRESS.—For purposes of section 2218(b)(4)(A), as so redesignated, by striking ‘information sharing and analysis organizations’ and inserting ‘information sharing and analysis organizations’.

“(12) Share.—In section 2221—

“(A) by striking paragraphs (3), (5), and (6); and

“(B) by redesigning paragraphs (4) as paragraphs (5) and (6)."
“(A) IN GENERAL.—A particular requirement under paragraph (1) shall not apply to an agency information system of an agency if—

(1) with respect to the agency information system, the head of the agency submits to the Director an application for an exemption from the particular requirement, in which the head of the agency personally certifies to the Director with particularity that—

(I) operational requirements articulated in the certification and related to the agency information system would make it excessively burdensome to implement the particular requirement;

(II) the particular requirement is not necessary to secure the agency information system or agency information stored on or transiting the agency information system; and

(III) the agency has taken all necessary steps to secure the agency information system and agency information stored on or transiting the agency information system;”.

SEC. 1293. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) it is in the national security interests of the United States to continue and deepen the security partnership between the United States and Ukraine, including through providing both lethal and non-lethal assistance to Ukraine;

(2) aggression and malign influence by the Government of the Russian Federation with respect to Ukraine is a threat to the democratic sovereignty of Ukraine, a valued and key partner of the United States and Ukraine, including through provocations to the territorial integrity of Ukraine;".

(3) the United States should expedite the provision of lethal and non-lethal assistance to Ukraine, and use all available tools to support and bolster the defense of Ukraine against potential aggression and military escalation by the Government of the Russian Federation;

(4) the United States should work closely with partners and allies to encourage the provision of lethal and non-lethal assistance to support and bolster the defense of Ukraine; and

(5) substantial new sanctions should be imposed on any entity that is effective on the date of submission of the report, includes—

(1) an identification of the particular requirement from which any agency information system would make it excessively burdensome to implement the particular requirement;

(2) an estimate of the date on which the Director grants the exemption under subparagraph (A), and

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

‘‘(E) with respect to any exemptions the agency is granted by the Director of the Office of Management and Budget under section 225(b)(2) of the Federal Cybersecurity Enhancement Act of 2015 (6 U.S.C. 1523(b)(2)) that is effective on the date of submission of the report, includes—

(1) an identification of the particular requirement from which any agency information system described in such paragraph is exempted; and

(2) an estimate of the date on which the agency will be able to comply with the requirement’’.

(c) EFFECTIVE DATE.—This section and the amendments made by this section shall take effect on the date that is 1 year after the date of enactment of this Act.

SA 4832. Mr. MENENDEZ submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; as follows:
the Russian Federation engages in escalatory military or other offensive operations against Ukraine.

SEC. 1295. IMPOSITION OF SANCTIONS WITH RESPECT TO FOREIGN FINANCIAL INSTITUTIONS

(a) In General.—Upon making an affirmative determination under section 1293(1) and not later than 30 days after making such a determination, the President shall impose the sanctions described in subsection (d) with respect to each of the officials specified in subsection (b).

(b) Officials Specified.—The officials specified in this subsection are the following:

(1) The President of the Russian Federation.
(2) The Prime Minister of the Russian Federation.
(3) The Foreign Minister of the Russian Federation.
(9) The Commander in Chief of the Navy of the Russian Federation.
(10) The Commander of the Strategic Rocket Forces of the Russian Federation.
(12) The Commander of the Logistical Support of the Russian Armed Forces.

(c) Additional Officials.—

(1) List Required.—Not later than 30 days after making an affirmative determination under section 1293(1), and every 90 days thereafter, the President shall submit to the appropriate congressional committees a list of foreign persons that the President determines are—

(A) senior officials of any branch of the armed forces of the Russian Federation engaging in or knowingly supporting a significant escalation in hostilities or hostile action in or against Ukraine, compared to the level of hostilities or hostile action in or against Ukraine prior to November 1, 2021; and

(B) if so, whether such escalation has the aim of undermining, overthrowing, or dismantling the Government of Ukraine, occupying the territory of Ukraine, or interfering with the sovereignty or territorial integrity of Ukraine; and

(2) submit to the appropriate congressional committees a report on that determination.

SEC. 1296. PROHIBITION ON AND IMPOSITION OF SANCTIONS WITH RESPECT TO TRANSACTIONS INVOLVING RUSSIAN SOVEREIGN DEBT

(a) Prohibition on Transactions.—Upon making an affirmative determination under section 1293(1) and not later than 30 days following such a determination, the President shall prohibit all transactions by United States persons involving the sovereign debt of the Government of the Russian Federation issued on or after the date of the enactment of this Act, including governmental bonds.

(b) Imposition of Sanctions With Respect to State-Owned Enterprises.—

(1) In General.—Not later than 60 days after making an affirmative determination under section 1293(1), the President shall identify and impose the sanctions described in subsection (d) with respect to foreign persons that the President determines engage in transactions involving the debt—

(A) of not less than 10 entities owned or controlled by the Government of the Russian Federation; and

(B) that is not subject to any other sanctions imposed by the United States.

(2) Applicability.—Sanctions imposed under paragraph (1) shall apply with respect to debt of an entity described in subparagraph (A) of that paragraph that is issued after the date that is 90 days after the President makes an affirmative determination under section 1293(1).

(c) List: Imposition of Sanctions.—Not later than 30 days after making an affirmative determination under section 1293(1), and every 90 days thereafter, the President shall—

(1) submit to the appropriate congressional committees a list of foreign persons that the President determines are engaged in transactions described in subsection (a); and

(2) impose the sanctions described in subsection (d) with respect to each such person.

(d) Sanctions Described.—The sanctions to be imposed with respect to a foreign person under this section are the following:

(1) Property Blocking.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) Aliens Inadmissible for Visas, Admission, or Parole.—

(A) Visas, Admission, or Parole.—An alien described in subsection (b) or (c) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation that is in the alien’s possession.

(B) Immediate Effect.—A revocation under clause (i) shall—

(i) take effect immediately; and

(ii) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

(3) Sanctions Described.—The President shall impose all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of a foreign person subject to subsection (a) or (b) (1) into the United States or (2) in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(4) Sanctions Described.—Upon making an affirmative determination under section 1293(1) and
not later than 30 days following such a determination, the President shall impose the sanctions described in subsection (b) with respect to a foreign person that is—

(a) a corporate officer of an entity described in paragraph (1);

(b) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under this section are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—(A) VISAS, ADMISSION, OR PAROLE.—An alien described in paragraph (a)(2) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—(I)GENERAL.—The visa or other entry documentation of an alien shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

SEC. 1299B. AUTHORIZATION FOR USE OF SPECIAL DEFENSE ACQUISITION FUND TO SUPPLY UKRAINE.

(a) USE OF SPECIAL DEFENSE ACQUISITION FUND.—The Secretary of Defense, in concurrence with the Secretary of State, shall utilize, to the maximum extent possible, the Special Defense Acquisition Fund established under section 51 of the Arms Export Control Act (22 U.S.C. 276b) to expedite the procurement and delivery of defense articles and defense services for the purpose of assisting and supporting the Armed Forces of Ukraine.

(b) USE OF LEASE AUTHORITY.—The Secretary of Defense, in concurrence with the Secretary of State, shall utilize, to the maximum extent possible, its lease authority, including executive agreements, to provide defense articles to Ukraine for the purpose of assisting and supporting the Armed Forces of Ukraine.

SEC. 1299D. TERMINATION.

(a) IN GENERAL.—Not later than 15 days after making an affirmative determination under section 1299(b)(1), the President shall identify foreign persons in any of the sectors or industries described in subsection (b) that the President determines should be sanctioned in the national security interests of United States national security.

(b) Sectors and industries described.—The sectors and industries described in this subsection are the following:

(1) Oil and gas extraction and production.

(2) Coal extraction, mining, and production.

(3) Minerals extraction and processing.

(4) Any other sector or industry with respect to which the President determines the imposition of sanctions is in the United States national security interest.

(c) List; imposition of sanctions.—Not later than 90 days after making an affirmative determination under section 1299(b)(1), the President shall—

(1) submit to the appropriate congressional committees a list of the persons identified under subsection (b); and

(2) impose the sanctions described in subsection (d) with respect to each such person.

(d) SANCTIONS DESCRIBED.—The sanctions to be imposed with respect to a foreign person under subsection (c) are the following:

(1) PROPERTY BLOCKING.—The President shall exercise all of the powers granted by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to block and prohibit all transactions in all property and interests in property of the foreign person if such property and interests in property are in the United States, come within the United States, or are or come within the possession or control of a United States person.

(2) ALIENS INADMISSIBLE FOR VISAS, ADMISSION, OR PAROLE.—(A) VISAS, ADMISSION, OR PAROLE.—An alien described in subsection (c) is—

(i) inadmissible to the United States;

(ii) ineligible to receive a visa or other documentation to enter the United States; and

(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(B) CURRENT VISAS REVOKED.—(I) GENERAL.—The visa or other entry documentation of an alien shall be revoked, regardless of when such visa or other entry documentation is or was issued.

(ii) IMMEDIATE EFFECT.—A revocation under clause (i) shall—

(I) take effect immediately; and

(II) automatically cancel any other valid visa or entry documentation that is in the alien’s possession.

SEC. 1299E. SUNSET.

The provisions of this subtitle shall terminate on the date that is 3 years after the date of the enactment of this Act.

SA 4833. Mr. BARRASSO (for himself, Mr. CRUZ, and Mr. JOHNSON) submitted an amendment intended to be proposed to amendment SA 3867 submitted by Mr. REED and intended to be proposed to the bill H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year, and for other purposes; which was ordered to lie on the table; and as follows:

At the end of subtitle D of title XII, add the following:

SEC. 1237. IMPOSITION OF SANCTIONS WITH RESPECT TO NORD STREAM 2.

(a) In General.—Not later than 15 days after the date of the enactment of this Act, the President shall—

(1) impose sanctions under subsection (b) with respect to:

(A) Nord Stream 2 AG or a successor entity;
(B) Matthias Warnig; and
(C) any other corporate officer of or principal shareholder with a controlling interest in Nord Stream 2 AG or a successor entity; and
(2) impose sanctions under subsection (c) with respect to—
(A) Nord Stream 2 AG or a successor entity; and
(B) Matthias Warnig.
(b) INELIGIBILITY FOR VISAS, ADMISSION, OR PAROLE OF IDENTIFIED PERSONS AND CORPORATE OFFICERS.—
(1) IN GENERAL.—
(A) VISA, ADMISSION, OR PAROLE.—An alien described in subsection (a)(1) is—
(i) ineligible to enter the United States;
(ii) ineligible to receive a visa or other documentation to enter the United States; and
(iii) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).
(B) CURRENT VISAS REVOKED.—
(i) take effect immediately; and
(ii) immediately cancel any other valid visa or entry documentation that is in the alien’s possession.
(c) BLOCKING OF PROPERTY OF IDENTIFIED PERSONS.—The President shall exercise all powers granted to the President by the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) to the extent necessary to prohibit all transactions in all property and interests in property of a person described in subsection (a)(2) if such property and interests in property are in the United States, or are or come within the possession or control of a United States person.
(d) IMPLEMENTATION; PENALTIES.—
(1) IMPLEMENTATION.—The President may exercise all authorities provided to the President under sections 203 and 205 of the International Emergency Economic Powers Act (50 U.S.C. 1702 and 1704) to carry out this section.
(2) PENALTIES.—A person that violates, attempts to violate, conspires to violate, or causes,促成, allows violation of this section or any regulation, license, or order issued to carry out this section shall be subject to the penalties set forth in subsections (b) and (c) of section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) to the same extent as a person that commits an unlawful act described in subsection (a) of that section.
(e) EXCEPTIONS.—
(1) EXCEPTION FOR INTELLIGENCE, LAW ENFORCEMENT, AND NATIONAL SECURITY ACTIVITIES.—This section shall not apply to any authorized intelligence, law enforcement, or national security activities of the United States.
(2) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under this section shall not apply with respect to the admission of an alien to the United States if the admission of the alien is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, the Convention on Consular Relations, done at Vienna June 29, 1963, and entered into force March 19, 1967, or other applicable international obligations.
(3) EXCEPTION RELATING TO IMPORTATION OF GOODS.—
(A) IN GENERAL.—Notwithstanding any other provision of this section, the authorities described in paragraphs (1) and (2) may impose sanctions under this section shall not include the authority or a requirement to impose sanctions on the importation of goods.
(B) GOOD DEFINED.—In this paragraph, the term “good” means any article, natural or man-made substance, material, supply or manufactured product, including inspection and test equipment, and excluding technical data.
(f) SUNSET.—The authority to impose sanctions under this section shall terminate on the date that is 5 years after the date of the enactment of this Act.
(g) DEFINITIONS.—In this section:
(1) ADMISSION; ADMITTED; ALIEN.—The terms “admission,” “admitted,” and “alien” have the meanings given those terms in section 101 of the Immigration and Nationality Act (8 U.S.C. 1101).
(2) UNITED STATES PERSON.—The term “United States person” means—
(A) a United States citizen or an alien lawfully admitted to the permanent residence in the United States;
(B) an entity organized under the laws of the United States; or
(C) any other person within the United States.

AUTHORITY FOR COMMITTEES TO MEET
Mr. TESTER. Mr. President, I have 6 requests for committees to meet during today’s session of the Senate. They have the approval of the Majority and Minority Leaders. Pursuant to rule XXVI, paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today’s session of the Senate:
COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS
The Committee on Banking, Housing, and Urban Affairs is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 9:30 a.m., to conduct a hearing on a nomination.
COMMITTEE ON ENERGY AND NATURAL RESOURCES
The Committee on Energy and Natural Resources is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 10:15 a.m., to conduct a hearing on nominations.
COMMITTEE ON HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
The Committee on Homeland Security and Governmental Affairs is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 10:15 a.m., to conduct a hearing on nominations.
COMMITTEE ON THE JUDICIARY
The Committee on the Judiciary is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 9 a.m., to conduct a hearing.
SPECIAL COMMITTEE ON AGING
The Special Committee on Aging is authorized to meet during the session of the Senate on Thursday, November 18, 2021, at 9:30 a.m., to conduct a hearing.

EXECUTIVE SESSION
EXECUTIVE CALENDAR
Mr. SCHUMER. Madam President, I ask unanimous consent that the Senate proceed to executive session to consider the following nominations en bloc: Calendar Nos. 332 and 444; that the Senate vote on the nominations en bloc without intervening action or debate; that the motions to reconsider be considered made and laid upon the table with no intervening action or debate; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate’s action, and the Senate resume legislative session.

LEGISLATIVE SESSION
The PRESIDING OFFICER. The President, the majority leader.
ORDERS FOR FRIDAY, NOVEMBER 19, 2021
Mr. SCHUMER. Madam President, I ask unanimous consent that when the
Senate complete its business today, it adjourn until 10 a.m., Friday, November 19; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, the time for the two leaders be reserved for their use later in the day, and morning business be closed; that upon the conclusion of morning business, the Senate resume consideration of the motion to proceed to H.R. 4350, the National Defense Authorization Act, postcloture; further, that all time during adjournment, morning business, recess, and leader time count postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. SCHUMER. Madam President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order.

There being no objection, the Senate, at 10:14 p.m., adjourned until Friday, November 19, 2021, at 10: a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate November 18, 2021:

DEPARTMENT OF STATE

LEE SATTERFIELD, OF SOUTH CAROLINA, TO BE AN ASSISTANT SECRETARY OF STATE (EDUCATIONAL AND CULTURAL AFFAIRS).

JULIANNE SMITH, OF MICHIGAN, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION, WITH THE RANK AND STATUS OF AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

JEFFREY M. HOVENIER, OF WASHINGTON, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY OF THE UNITED STATES OF AMERICA TO THE REPUBLIC OF KOSOVO.

DEPARTMENT OF THE INTERIOR

CHARLES F. SAMS III, OF OREGON, TO BE DIRECTOR OF THE NATIONAL PARK SERVICE.

NOMINATIONS

Executive nominations received by the Senate:

THE JUDICIARY

ANDRE B. MATHIS, OF TENNESSEE, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SIXTH CIRCUIT, VICE BERNICE BOUIE DONALD, RETIRING.

ALISON J. NATHAN, OF NEW YORK, TO BE UNITED STATES CIRCUIT JUDGE FOR THE SECOND CIRCUIT, VICE ROSEMARY S. POOLER, RETIRING.
HONORING THE WORK OF THE VALLEY SYRIA RELIEF COMMITTEE

HON. JAMES P. MCGOVERN
OF MASSACHUSETTS
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. MCGOVERN. Madam Speaker, I rise today to recognize members of his district’s interfaith organizations, who broke bread with us, shared soup, and bought copies of “The Soup for Syria” cookbook produced by local publisher Michel Moushabeck.

* * *

Mr. MCGOVERN. Madam Speaker, I rise today to recognize Mike Epps, who will be filming his next Netflix comedy special in his hometown of Indianapolis and will also be inducted into the Madam Walker Legacy Center Walk of Fame on November 20, 2021.

Mike was born in Indianapolis to parents Mary Reed and Tommie Epps, and raised in our great city. Mike began performing comedy as a teenager. After achieving success in standup comedy, he moved to Atlanta, Georgia, to pursue a career in comedy at the Comedy Act Theater.

At 21 years old, Mike moved to New York City where he became a sensation in the underground Black comedy scene. Mike’s career continued to prosper, performing in two HBO Def Comedy Jam broadcasts and appearing in the movie “Strays” in 1997 and the television series “The Sopranos” in 1999.

After New York, Mike’s rise to fame took him to Los Angeles, where he landed a role in Ice Cube’s movie “Next Friday.” His acting career gained momentum, appearing in films such as “Do the Right Thing,” “All About the Benjamins” and “The Fighting Temptations,” to name just a few.

Mike has used his platform to support our city and give back to others. In 2012, he served as the “Super Bowl Ambassador” to Indianapolis. In addition, his generous contributions to the Tupac Amaru Shakur Foundation for the Arts in Georgia has helped provide opportunities for young people wishing to follow in his footsteps.

Today, I ask my colleagues to join me in honoring Mike Epps. Our community is proud of his success and deeply grateful for his dedicated philanthropic and mentorship efforts, which are making a positive impact in the lives of countless young people across the country.

RECOGNIZING MIKE EPPS, COMEDIAN, PRODUCER, AND ACTOR

HON. ANDRÉ CARSON
OF INDIANA
IN THE HOUSE OF REPRESENTATIVES

Thursday, November 18, 2021

Mr. CARSON. Madam Speaker, today I rise to recognize Dieter Martin Gruen, who will be celebrated on his 99th birthday, honor his service and contributions to our great city.

Mr. CASTEN. Madam Speaker, I rise today to celebrate Dr. Dieter Martin Gruen’s 99th birthday, honor his service and contributions to our community, and record my continued support for his nomination for the Presidential Medal of Freedom.

For nearly eight decades, Dr. Gruen has worked to enhance American technology development as a former Manhattan Project Scientist and Argonne National Laboratory Distinguished Fellow. Born in 1922, Dr. Gruen is an
Dr. Gruen has been granted over 60 U.S. patents for his work in alternative energy, energy storage, and conservation. His lifelong contribution to science and alternative energy technology is exemplary and his work continues through today. Dr. Gruen’s tireless efforts to solve future clean energy challenges presented by climate change is seldom exhibited by an individual. Humble and unpretentious, Dr. Gruen has and remains the embodiment of a dedicated American and pure scientist.

Dr. Gruen’s story is the story of many immigrant Americans: those who left behind places of persecution, discrimination, and lack of opportunity for a brighter future. Those who arrived on our shores and helped build our nation through their hard-work, courageous spirit, unyielding dedication, and personal sacrifice. His courage and tenacity is an inspiration for us all.

Through the years, I have had the great pleasure of sitting down with Dr. Gruen, and learned from his countless stories about his work on the Manhattan Project, the nuts and bolts of nuclear energy, technology, and his unique journey to the United States. At 99, Dr. Gruen still sees the world as a place of vast opportunities for technological innovation, a quality that I know encourages my own optimism to tackle issues facing our society.

For all mentioned here and many more, I sincerely believe that Dr. Dieter Gruen should be awarded the Presidential Medal of Freedom for his lifelong contributions to science and technology that continue today. Dr. Gruen’s tireless efforts to solve future energy challenges is seldom exhibited by an individual. Humble and unpretentious, Dr. Gruen has and remains the embodiment of a dedicated American and pure scientist.

In April 2021, my colleagues Representatives FOSTER, FRENCH HILL, JERRY McNERNEY, and CHERI BUSTOS joined me in supporting Dr. Gruen’s nomination for the highest civilian award in this country. Dr. Gruen has dedicated his life to science and made monumental contributions to shaping the United States as a leader and world power in technology, innovation, and national defense.

Congratulations to Dr. Gruen for his decades of accomplishments and exceptional contributions to science and the national security interests of the United States. I cannot think of a more deserving citizen for this award and today I wish him the happiest of birthdays.
After the war, James returned to his cattle farm and got married to his wife of 55 years—Ms. Josephine “Jo” Munchison. While predominantly raising beef cattle and grain, he served his community as the President of the Caswell County Farm Bureau, a position he proudly held for 17 years. Additionally, he was a member of the NC Farm Bureau Federation Board for 23 years. He won several different agriculture awards over the years—most notably being named “Cattlemaster of the Year” in 1975—while his family received the Soil and Water Conservation Farm Family award of 1979. In describing Mr. Painter’s life, Caswell County Farm Bureau colleague Lucas Bernard wrote that, “James Painter will be remembered for his service to his community, Caswell County agriculture, and his nation. He has been an inspiration to me by seeing and hearing about his dedication to farming and agriculture locally, as well as overseas during WWII.”

James Painter was preceded in death by his wife, Josephine, and is survived by his nieces and nephews. The Caswell County community has lost a great soul, advocate, and gentleman with Mr. Painter’s passing. May he forever rest in peace.

Madam Speaker, please join me in honoring James Merlemon Painter for his service to his community and his sacrifice for this Nation.

CONGRATULATING POLICE CHIEF MARION EUGENE SEALY, JR.

Mr. WILSON of South Carolina. Madam Speaker, I am grateful to recognize Police Chief Marion Eugene Sealy, Jr., of the City of Forest Acres for his 48 years of public service to his community. Chief Sealy will be retiring at the beginning of next year and South Carolina will be losing a great public servant.

Chief Sealy joined the Forest Acres Police Department in 1974 as a dispatcher. In 1975, he became a full-time patrol officer and shortly after was put in charge of the investigative division. Through his hard work and dedication, he became the Chief of Police of the Forest Acres Police Department in 1994. Throughout his career in public service, Chief Sealy led the department through many hardships including the tragic death of Officer Greg Alia. He has been so encouraging to his widow Kassy Alia Ray and their son Sal as well as his family and the entire community of Forest Acres.

Madam Speaker, please join me in honoring Tom Santos on his retirement following 40 years of dedicated public service to the children and families of western Massachusetts. A pioneer in the field of early education and childhood development, Janis most recently served as CEO of Holyoke Chicopee Springfield Head Start. Through her efforts to expand Head Start’s programs across the Commonwealth, Janis has played a prominent role in improving the lives of more than 1,000 young children. Her diligence in directing the only migrant, seasonal Head Start program in Massachusetts only further demonstrates her exceptional commitment to helping the most vulnerable families in our communities.

In 1973, Janis began her lifelong advocacy and action on behalf of children and families by launching one of the first early-childhood centers in Ludlow, Massachusetts. Just six years later, in recognition of her cutting-edge approach to the field, Janis was taken on as Executive Director of Holyoke Chicopee Springfield Head Start. During her expansive and impressive career, Janis has served as Chair of the Massachusetts Head Start Directors Association, the New England Head Start Association, as well as a member of the National Advisory Panel for the Head Start 2010 Project here in our nation’s capital. While her myriad of leadership roles is most impressive, what I most admire about Janis is the tireless dedication she has demonstrated throughout her 40-year career to providing our youth the resources they need to succeed in the future. Madam Speaker, in light of Janis Santos’ many achievements and remarkable contributions to the early education of the children of western Massachusetts, as well as her role in shaping conversations on early education throughout the nation, I would like to thank Janis for her steadfast service, and offer my best wishes for a long, happy, and healthy retirement.

IN RECOGNITION OF MS. JANIS SANTOS

Mr. NEAL. Madam Speaker, I would like to take this opportunity to extend my warmest congratulations to my good friend Janis Santos on her retirement following 40 years of dedicated public service to the children and families of western Massachusetts.

Mr. ROGERS of Kentucky. Madam Speaker, I rise to honor the memory of my good friend and long-time colleague in this House chamber, the gentleman from Kentucky, Larry Hopkins, who represented the people of central Kentucky for 14 years from 1979 to 1993.

Congressman Hopkins served with great charisma and humor, befriending folks in every corner of Kentucky and across Capitol Hill. Public service was second nature to...
Larry, he fought diligently for investments in our communities and worked hard to pave a brighter future for Kentucky. In fact, Larry won the Republican nomination for governor in 1991 before Brereton Jones succeeded in the general election. Prior to his federal service, he was also总数 to serve in both chambers of the Kentucky state legislature.

As a veteran of the U.S. Marine Corps, he led the U.S. House Armed Services Committee with invaluable insight and expertise, leading the way for military modernization. He was a true patriot and champion for our U.S. Armed Forces on that committee.

Larry and I were close friends before arriving on Capitol Hill, often traveling together, and sharing stories from home and abroad. He deeply loved the people of Kentucky and worked tirelessly to improve this great Commonwealth. I count it a great honor to have called him a friend, and I send my deepest condolences to the Hopkins family.

SUPPORTING H. RES. 789, CENSURING REP. PAUL GOSAR OF ARIZONA

HON. BETTY MCCOLLUM
OF MINNESOTA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Ms. McCOLLUM. Madam Speaker, yesterday the House acted to discipline a Member for conduct that was unacceptable and in violation of all standards of decency and civility—conduct that brought disrepute to this institution. I joined 223 of my colleagues—Democrats and Republicans—in passing H. Res. 789 to officially censure Mr. PAUL GOSAR of Arizona and remove him from his assigned committee.

Mr. GOSAR recently posted on social media an animated video depicting him graphically killing a female Member of Congress—Rep. ALEXANDRIA OCASIO-CORTEZ of New York—and violently attacking President Biden: Millions of people have seen this disturbing and violent video. Incredibly, Mr. GOSAR and 207 House Republicans excused this despicable act as “free speech” and “symbolic.” Producing and disseminating a video depicting the murder of a workplace colleague, of an elected federal official, and a fellow American is not symbolic—it is a threat that is intended to intimidate and inspire violence.

Rep. ALEXANDRIA OCASIO-CORTEZ is a valued colleague who deserves to be treated with respect by all Members of Congress, even when political disagreements are significant. But Mr. GOSAR’s use of official resources—paid for by American taxpayers—to depict the killing of a fellow Member of Congress is abhorrent, and it is conduct that was appropriately condemned by the House of Representatives.

This is not a complicated matter. If Mr. GOSAR had shared such a video targeting a colleague in any other workplace in America, he would have been immediately terminated. While Democrats and two Republicans condemned his actions, the Republican leader and more than 200 Republican members condoned his actions, defended his conduct, and made light of a death threat against a Member of Congress.

Have Republican Members of Congress become so craven that they do not know right from wrong? Do my Republican colleagues not understand the signal this imagery sends to the American people, especially women and youth, that promoting violence—a male Member of Congress brutally murdering a woman, a female Member of Congress—is acceptable political speech? This video is not political or free speech; it is violent misogyny. The fact that it has been publicly defended by 207 Republican Members of Congress now makes such behavior part and parcel of the Republican playbook for how they intend to conduct themselves in the future.

As we all know, on January 6, 2021, a mob of thousands of insurrectionists attacked the U.S. Capitol to prevent Congress from affirming the election of Joe Biden as President of the United States. Mr. GOSAR did not refrain from embracing these insurrectionists and the violence that threatened the lives of Members of Congress, U.S. Capitol Police, and our congressional staff and workforce. Now Mr. GOSAR is again embracing violence to send a political message and achieve his political goals. It is reprehensible, and this behavior is destroying our democracy. I take Mr. GOSAR’s threat seriously because this conduct intentionally sends a signal to people who are more than willing to use violence to achieve political outcomes—as I experienced personally on January 6th.

Mr. GOSAR’s behavior demanded censure by the U.S. House. Furthermore, I strongly encourage federal law enforcement officials to investigate this matter further to determine if his actions reach a standard of criminal conduct that merits prosecution.

Every day I work as a Member of Congress in the U.S. House. It is an honor. Civility is not an option; it is a duty that is necessary if we are to govern and achieve our collective goals as Americans. Republicans and Democrats can disagree—strongly disagree—but we must always remember that we are all Americans, and the American people deserve our service and actions to be conducted with dignity and respect.

CELEBRATING THE 40TH ANNIVERSARY OF THE CHURCH OF PHILADELPHIA

HON. MARC A. VEASEY
OF TEXAS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. VEASEY. Madam Speaker, I rise today to commemorate a great milestone for the Church of Philadelphia. On November 21st, the church will celebrate 40 years of ministry in Fort Worth.

The Church of Philadelphia has been a pillar of our North Texas community. This church celebrates the rich fabric of our community and welcomes people of all backgrounds to worship. Over the past four decades, this church was founded by Pastor Gregory W. Spencer, the amount of growth that has occurred has been incredible. The Church has used their prosperity to give back to our community by helping all of those in need. I want to take this opportunity to congratulate the Church of Philadelphia on their great work so far, and wish them best of luck for what is yet to come as they continue to serve communities across Fort Worth.

HON. STEVEN M. PALAZZO
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. PALAZZO. Madam Speaker, I rise today to honor the outstanding military service of Command Sergeant Major Gary E. Graham who will be retiring this year after over 43 years of service in the Mississippi National Guard.

CSM Graham hails from Conehatta, MS where he lives with his wife, Julie, and their children, Micah, Jessica, and Layla. I want to take the time to thank his wife and children for their strength and support as a military family. CSM Graham served a long and impressive military career beginning in 1978 when he attended Basic Training and AIT as a Wheeled Vehicle Transmission and Generator Mechanic at Fort Jackson, SC. CSM Graham mobilized and deployed to Iraq in support of Operation Iraqi Freedom from 2003 until 2005. Upon his return from deployment, he mobilized once again and assumed the position of Task Force Magnolia CSM for Hurricane Katrina Operations. From 2006 to 2011, he was assigned as the Commandant of the 3rd NCO Academy. He was then reassigned as the 154th Regimental Training Institute CSM. In August 2011, he was hand selected for NATO HQ Sarajevo Command as the Senior Enlisted Advisor to the Military and Government leadership of the Balkan countries. From 2016 to 2017, he was appointed as the first Land Component Forces CSM. CSM Graham is currently
RECOGNIZING THE 25TH ANNIVERSARY OF LIFE APPLICATION MINISTRIES

HON. ANDY LEVIN
OF MICHIGAN
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. LEVIN of Michigan. Madam Speaker, I rise today to recognize Life Application Ministries, which is celebrating 25 years of service to the community of Warren, Michigan.

Life Application Ministries is a historic African American congregation, inspired by enthusiasm to give back and share the love of God, and preserve morale and justice throughout the community. Life Application Ministries grew out of a bible study group that quickly garnered members throughout the 1990s.

In 1996, Bishop Adolphus L. Cast founded the ministry in a time where African American congregations were not as prevalent in the area. In moments of racial injustice, the church gracefully responded with endless love and compassion to the community. Bishop Cast’s mission has been to offer racial and economic harmony to the city of Warren and his leadership has led to significant momentum in that effort over the last two and a half decades.

Throughout its history, the ministry has honorably served the Warren community with various community programs including annual food drives and blood drives, providing financial assistance to residents and businesses, assisting people in need of help with home repair and cleanup projects, as well as participating in larger city cleanup efforts. The church also offers shelter to residents in need through partnership with the Macomb County Rotating Emergency Shelter Team.

One cannot recognize Life Application Ministries without acknowledging the remarkable leaders, commitment and dedication positively impact their members, our community, and beyond. I am proud to have the honor of recognizing Life Application Ministries today and to mark this quindecennial event for the congregation. I encourage my colleagues to join me in offering congratulations to the entire Life Application Ministries community as they celebrate twenty-five years of ministry and service in Warren, Michigan.

HONORING RUSSELL COLOMBO
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. HUFFMAN. Madam Speaker, I rise today in recognition of Russell (Russ) Colombo as he retires from a distinguished career in financial services spanning more than four decades and culminating in his role as President and Chief Operating Officer of Bank of Marin.

Russ grew up in Marin County, CA where he graduated from San Rafael High School. He received his Bachelor of Science degree in Agricultural Economics and Business Management from the University of California, Davis and his Master of Business Administration in Banking and Finance from Golden Gate University. At the age of 24, Russ joined Bank of Marin as Executive Vice President and Branch Administrator in 2004. After only a year at the company, he was appointed Executive Vice President and Chief Operating Officer. As President and CEO since 2006, Russ led Bank of Marin’s growth into a prominent business and valued community bank in Northern California.

During his 15 years at the helm, Russ has become the face of the Bank of Marin. Under his leadership, the Bank championed honorable values of high-quality service, community engagement, and employee wellbeing. Through his local relationship-building efforts and strategic planning, including four acquisitions, Russ oversaw the growth of Bank of Marin’s assets by more than $4 billion. Throughout this period of expansion, he continued to prioritize reinvesting in the local community. During the COVID–19 pandemic, Russ jumped in to meet the needs of the community, facilitating the lending of critical federal relief loans and protecting economic vitality in the region.

In a personal capacity, Russ continues to serve as Chairman of the Citizens Oversight Committee of Sonoma-Marin Area Rapid Transit (SMART). He is also a member and former board chair of the Board of the Western Bankers Association, and a former Audit Committee Member of Hanna Boys Center.

Through seasons of prosperity and difficult times, Russ never wavered from improving Bank of Marin’s performance and its core mission of serving the local community. Madam Speaker, I respectfully ask that you join me in honoring Russ Colombo for his many years of effective professional and community service to Marin County and extending to him best wishes on his next endeavors.

SUPPORTING THE NUTRITION INITIATIVE TO REDUCE HEALTH DISPARITIES BY THE ACADEMY OF NUTRITION AND DIETETICS AND THE NATIONAL BAPTIST CONVENTION USA

HON. DANNY K. DAVIS
OF ILLINOIS
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. DANNY K. DAVIS of Illinois. Madam Speaker, in late September, leaders of the National Baptist Convention USA and the Academy of Nutrition and Dietetics (or the Academy) announced a strategic partnership aimed at reducing health disparities for African Americans.

African Americans suffer disproportionately from COVID–19 deaths and other nutrition-related health disparities in increasing access to healthy foods and addressing nutrition as a social determinant of health that prevents diabetes, heart disease, stroke, high blood pressure and obesity are the cornerstones of this partnership.

The joint initiative will consist of developing print and media resources that can be used in faith-based health ministries on issues such as diabetes, obesity, high blood pressure, heart disease, stroke, eating on a budget, and living with kidney disease. The National Baptist Convention USA will encourage member churches to incorporate these resources into new and existing programs and services, including workshops and seminars focused on biblical connections to food and nutrition.

I want to commend and thank Patricia Babjak, Chief Executive Officer of the Academy, Evelyn Crayton, a past president of the Academy and the current Chair of the National Baptist Convention Task Force on the joint nutrition partnership that is comprised of members from the National Organization of Blacks in Dietetics and Nutrition, as well as religious interest groups for their commitment and leadership to addressing health disparities. The Academy has worked closely on this significant initiative with National Baptist Convention USA President Rev. Dr. Jerry Young and Vice President Rev. Dr. William H. Foster, Jr.

This partnership recognizes the importance of enhancing the lives of African Americans and every racial and ethnic group by improving nutrition security. In my Congressional District, there are too many food deserts and places where it’s easier to get access to guns than fruits and vegetables.

I urge us all to get behind this initiative, and I applaud the Academy and the National Baptist Convention USA for their lifesaving work.

PERSONAL EXPLANATION

HON. ANN M. KUSTER
OF NEW HAMPSHIRE
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Ms. KUSTER. Madam Speaker, on Tuesday, November 16, 2021 I was unable to attend votes and missed Roll Call votes No. 374, No. 375, and No. 376. Had I been present, I would have voted AYE on Roll Call vote No. 374, AYE on Roll Call vote No. 375 and AYE on Roll Call vote No. 376.

TRIBUTE TO MICHAEL W. MACKEY
OF CALIFORNIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. CALVERT. Madam Speaker, I rise to honor and congratulate Master Sergeant Michael W. Mackey who will be retiring today from the United States Marine Corps after 20 years of distinguished service. Mike was
raised in New York City and following the September 11th attacks he, like so many patriots, enlisted in the Marine Corps in November of 2001.

Mike’s operational assignments include Operations Chief and Senior Enlisted Leader for the Commander of the Special Operations Command and Control Element in Africa. He also deployed to both Iraq and Afghanistan on numerous occasions between 2003 and 2017 in support of Operation Iraqi Freedom, Operation Enduring Freedom, and Operation Inherent Resolve. As a Critical Skills Operator, or Marine Raider, Mike has been stationed in Camp Lejeune, NC; Camp Pendleton, CA; and Washington, D.C. and has traveled to over 30 countries. He served as the Chief instructor of an advanced technical operations course at the Marine Raider Training Center and is a graduate of the USMC Congressional Fellowship program; USMC Combatant Diver Course; USMC Amphibious Reconnaissance Course; USMC Scout Sniper Course; U.S. Army Airborne Course; U.S. Army Special Forces Military Freefall; and the U.S. Navy Survival, Evasion, Resistance and Escape Course.

Mike graduated Sum Cum Laude from Norwich University’s Bachelor of Science in Strategic Studies and Defense Analysis program. He earned a master’s degree in Public Administration and Policy from American University and a graduate certificate in Legislative Studies from Georgetown University’s Government Affairs Institute in Washington, D.C. He also completed the Senior Enlisted Joint Professional Military Education II and earned the Michael A. Monsoor Leadership Award from the Joint Special Operations Senior Enlisted Advisors Course. Mike’s brave actions on the battlefield earned him a number of awards, including the Bronze Star Medal with Valor, Joint Service Commendation Medal (Combat), Navy and Marine Corps Commendation Medal, Army Commendation Medal, 3 Combat Action Ribbons, 2 Presidential Unit Citations, 7 Sea Service Deployment Ribbons, and 6 Marine Corps Good Conduct Medals.

With his robust, boots-on-the-ground experience serving our nation around the globe, I am honored now to have Mike as a member of my staff. Prior to serving as my national security advisor, Mike was the Chief of Staff for the Deputy Assistant Secretary of Defense for Special Operations and Combating Terrorism and the Appropriations Liaison to the Assistant Secretary of Defense from Special Operations and Low Intensity Conflict in the Department of Defense, Undersecretary of Defense for Policy. On behalf of a grateful Nation, I thank Mike for his exemplary service in the United States Marine Corps.

COMMEMORATING THE LIFE OF WINTER THE DOLPHIN

HON. CHARLIE CRIST
OF FLORIDA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. CRIST. Madam Speaker, I rise today to commemorate the passing of Winter the Dolphin, in celebration of her extraordinary life, and in honor of her home and family at Clearwater Marine Aquarium in my district.

After being rescued from a crab trap in December 2005, two-month-old Winter lost her tail and had to adapt to life without it.

But Winter didn’t just survive. She thrived. And with a new prosthetic tail, her resilience inspired millions around the world—including many wounded and disabled veterans.

Winter’s story became the inspiration for the movies Dolphin Tale and Dolphin Tale 2. And over her life, Winter provided hope to all who met her, and brought awareness to the plight of marine mammals.

Winter’s legacy is one of perseverance, courage, and environmental stewardship.

HONORING THE 155TH ANNIVERSARY OF THE FIRST BAPTIST CHURCH OF FRANKLIN

HON. ROBERT C. “BOBBY” SCOTT
OF VIRGINIA
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. SCOTT of Virginia. Madam Speaker, I rise today to recognize the 155th anniversary of First Baptist Church of Franklin which has been a continuing source of inspiration for the community of Franklin, Virginia. The church was founded in 1866, a year after slavery was abolished in the United States. First Baptist Church of Franklin stands tall as the oldest organization of its kind in Franklin.

The beginnings of First Baptist Church of Franklin were one of hardship at the initial phase of the Reconstruction era. A young man of faith named Joseph Gregory was recommended to be a licensed preacher. Reverend Gregory was assigned a post to give the message of Christ to the African American members of this and other churches.

Through the following months, he started preaching in the little village of Franklin. He took initiative and organized the Cool Spring Baptist Church. The church started in a brush arbor near the Black Water River, which was donated by Tom Barrett, one of the church’s members. Unfortunately, the brush arbor burned down but this did not stop the continuous work of the congregants. Under the leadership of the founding pastor, the members rebuilt the church as a center of serving their community.

Following the leadership of Reverend Gregory, First Baptist Church of Franklin has had a diverse succession of faithful servants, such as Reverend Guy Powell, Reverend M.E. Gerst, Dr. W.R. Ashburn, Reverend S.W. Timms, Reverend W.E. Sanderlin, Dr. M.C. Allen, Reverend Grover C. Lassiter, Reverend Samuel Franklin Daly, Reverend Henry Blunt, Reverend Dr. Paige Chargois, Reverend Dr. D.S. Riddick, II and the church’s current pastor, Reverend Marcus D. Jennings.

First Baptist Church of Franklin is still a pillar of the community. The organization’s ministries bring essential services to the City of Franklin and its citizens. In these trying times, First Baptist Church of Franklin has shown resilience and remains a source of inspiration for its congregants and the community.

Madam Speaker, I congratulate the members and leaders of First Baptist Church of Franklin for their contributions to the City of Franklin for the last 155 years. The ongoing commitment to preach the gospel, give the good news and to extend faith is reflected in the history of the church. I commend pastor Marcus Jennings for his vision and service to his congregation, the community of Franklin, and the members of the congregation who all make a community of faith possible. I wish the church many more years of growth and prosperity.

REMEMBERING NUNZIO MERLO

HON. TIM RYAN
OF OHIO
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. RYAN. Madam Speaker, I rise today to honor the life of my friend, Nunzio Merlo, who passed away on Friday, October 17, 2021 at the age of 80.

He was born on September 14, 1941 in Giosia Marea Sicily, Italy to the son of Giuseppe and Tindara Stancampiano-Pizzo Merlo. He grew up in the mountains of Sicily with his three sisters and three brothers, his father (a sheep farmer and cheese maker) and his mother (a homemaker). Nunzio’s time as a young man in Sicily was spent working as a tree trimmer and a taxi driver, and he enjoyed singing and playing guitar. He met the love of his life, Maria, in Giosia Marea when he was nineteen and she was seventeen. They married on August 12, 1962.

On November 13, 1965 Nunzio immigrated to America with his wife and two-year-old son to build a new life. He was always a hard worker and often worked two jobs. Nunzio was employed at National Gypsum, the same company my grandfather Rizzi worked for, General Motors Lordstown, Tauro Brother’s Trucking, and the U.S. Postal Service. He was also a self-employed truck driver. He retired after 17 years working for the City of Niles Water Department in 2015.

He was a member of Our Lady of Mount Carmel Parish in Niles, where he could always be found volunteering at the church festivals and Lenten fish dinners. It wasn’t an event at Mt. Carmel unless Nunzio was working. He was a member of the Sons of Italy, Niles Democratic Club, Niles Knights of Columbus Council 1681, and he played in several bocce leagues.

Nunzio’s dedication to family was at the heart of everything he did. He especially enjoyed cooking Sunday dinners for his family. Nunzio enjoyed gardening and playing Italian cards with family and friends and attending his grandchildren’s extracurricular activities and events. His kind heart, willingness to help others and his infectious smile will live in the memories of family and friends forever. I can truly say, Madam Speaker, I would not be in Congress today if it wasn’t for Nunzio Merlo and his family. They launched my career and I forever be grateful.

He will be sadly missed by his wife of 59 years, Maria Calabrese Merlo, his father-in-law Tindaro Califere of Niles, four sons: Joseph Merlo and his wife Louise of Niles, Robert Merlo and his wife Jamie of Niles, Tino Merlo and his wife Michelle and their children, Gianna Merlo, Tino Merlo, Emma Merlo, and Giovanni Merlo. He is also survived by many loving nieces, nephews and cousins in the U.S. and Sicily.
He was preceded in death by his parents, his mother-in-law Maria Tindara Calabrese, three brothers: Salvatore Merlo, Vincenzo Merlo, and Domenico Merlo, and a sister Giovanni Merlo.

**WOMEN’S ENTREPRENEURSHIP DAY 2021**

**HON. GRACE MENG**

**OF NEW YORK**

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 2021*

Ms. MENG. Madam Speaker, I rise today to speak in honor of Women’s Entrepreneurship Day which is celebrated around the world each year on November 19th. Women-owned U.S. firms make up nearly 20 percent of all firms that employ people and this number is growing. There are nearly 13 million women-owned firms and they employ close to 10 million people. As a testament to their success, women-owned firms reported revenues of nearly $1.9 trillion. This is truly astounding and shows you how vital women are to the economy. I applaud these women entrepreneurs and their economically vital businesses.

I also applaud Wendy Diamond, who has personally spearheaded the Women’s Entrepreneurship Day movement. Since her campaign launched in 2013, her Women’s Entrepreneurship Day Organization has annually funded one thousand impoverished women with microloans to start their entrepreneurial journey in Nicaragua, India and Africa, hosted a worldwide entrepreneurship training program for 60,000 female college students and early-stage entrepreneurs in Saudi Arabia, initiated and funded the premiere Women’s Disability Cohort Pitch Competition, a visionary program that raises funding opportunities for women marginalized by their disabilities in partnership with 2Gether International, provided bending education to one thousand rural women in the Philippines, and partnered with a Uruguayan university to offer scholarships to young women.

Women’s Entrepreneurship Day is now celebrated in 144 countries and 65 universities and colleges internationally, with numerous global ambassadors. The Women’s Entrepreneurship Day mission is to empower the nearly four billion women worldwide to be catalysts of change and uplift the over 250 million girls living in poverty around the world.

As in past years, the Women’s Entrepreneurship Day Organization Pioneer Awards recognizes, and honors distinguished women who are leaders and innovators across multiple categories with inspiring accomplishments. This year’s honorees include:

- Nadja Swarowski, Chair and Founder of Atelier Swarovski and Chair of Swarovski Foundation—Fashion Pioneer Award
- Dawn Dickson-Akpoghen, CEO and Founder of PopCom—Technology Pioneer Award
- Judith Heumann, International Disability Rights Advocate, The Heumann Perspective—Entertainment Pioneer Award
- Mona Scott-Young, CEO of Monami Productions—Entertainment Pioneer Award

The Honorable Kathy Hochul, 57th & first female Governor of New York State—Governement Pioneer Award

Madam Speaker, I urge the entire House to recognize these remarkable role models, and to celebrate Women’s Entrepreneurship Day this year and every year moving forward.

**SPECIAL RECOGNITION OF JACOB DEITER AND HIS VETERANS MEMORIAL EAGLE SCOUT PROJECT**

**HON. ROBERT E. LATTA**

**OF OHIO**

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 2021*

Mr. LATTA. Madam Speaker, I rise today to recognize Jacob Deiter, an outstanding young man who dedicated his Eagle Scout project to our nation’s veterans. Jacob went above and beyond to bring a veterans’ memorial to his hometown of Van Buren, Ohio. His hard work and dedication are truly deserving of high praise.

Jacob is a 17-year-old senior at Van Buren High School and a member of Boy Scout Troop 313. In order to complete his Eagle Scout project, he spent the last two years planning and organizing the establishment of a memorial in the town square to honor the area’s veterans.

Since 1775, millions of Americans have served in the United States Armed Forces. Every battle has left an impact on our nation’s veterans and their families. It is important to recognize the sacrifices they made for our country. This memorial includes a sidewalk with engraved bricks honoring area veterans as well as a granite memorial stone. There are also seven flag poles, one for each branch of service along with the United States and POW flags.

Madam Speaker, I ask my colleagues to join me in congratulating Jacob Deiter for the completion of this memorial for the veterans of Van Buren. He has shown outstanding leadership in his community and is most worthy of this recognition. On behalf of the people of the Fifth District of Ohio, I wish Jacob all the best in his future endeavors.

**HONORING THE RETIREMENT OF LORRAINE SULLIVAN FROM THE DEARBORN MICHIGAN SOCIAL SECURITY OFFICE**

**HON. DEBBIE DINGELL**

**OF MICHIGAN**

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 2021*

Mrs. DINGELL. Madam Speaker, I rise today to recognize Mrs. Lorraine Sullivan on the occasion of her retirement from the Dearborn, Michigan Social Security Office after over thirty-seven years of service to the Social Security Administration. Her significant contributions in service of our community are worthy of commendation.

Mrs. Sullivan got her start at the Social Security Administration as a Stay in School participant. She later held many titles as she worked her way up the ranks, serving as Development Claims Clerk, Claims Technical Expert, Operations Supervisor and now, District Manager of the Dearborn Field Office. The recipient of two Regional Commission Citations, her excellence in service is evident through her work as a leader in the office. Dedicated to improving the conditions of the workplace, she is an advocate for diversity and inclusion within her office and celebrates the diversity of her staff, encouraging them to present developmental trainings on various topics.

Known by others for her can-do attitude and willingness to help others, her staff describes her as a fair, straightforward, and empathic manager. Always looking for a way to uplift her staff, she has encouraged and mentored many team members who have gone on to become leaders in their own right. Outside of work, she enjoys travelling, dancing, and spending time with her loving family, including her granddaughter Carlahayeh. Mrs. Sullivan and her husband Carl Sullivan have two sons, Theo and Carl. An active member of Mount Olive Baptist Church—the church where she and Carl married twenty-three years ago, she is an enthusiastic volunteer and member of the choir.

Madam Speaker, I ask my colleagues to join me in honoring Lorraine Sullivan for her dedicated service to the Dearborn Michigan Social Security Office. We are grateful for her years spent serving countless Michiganders and her legacy will live on through the numerous staff members that she has mentored. I join with Lorraine’s family, friends, and colleagues in extending my best wishes to her in retirement.

**FTC INVESTIGATING BIG OIL**

**HON. MARCY KAPTUR**

**OF OHIO**

IN THE HOUSE OF REPRESENTATIVES

*Thursday, November 18, 2021*

Ms. KAPTUR. Madam Speaker, I rise today in support of President Biden’s call for the FTC to investigate the world’s largest oil companies that appear to be engaging in egregious price manipulation of oil and gasoline prices.

In August, Big Oil started substantially reducing production—a bizarre move as our economy was surging forward after the pandemic downturn.

At a time when oil production costs are going down, and unprocessed gasoline awaits distilling, Big Oil is driving prices up—and reaping the benefits. The two biggest companies are on pace to double their income since 2019. This is outrageous.

It appears corporate fat cats are padding their own wallets at the expense of our national wellbeing. Enough is enough.

The FTC should take a deep dive into Big Oil—and put a stop to any nefarious behavior that is harming hardworking Americans. I applaud President Biden’s call for action—and hope to see enforcement soon.
RECOGNIZING THE SERVICE AND SACRIFICES OF THE TRANSPORTATION SECURITY ADMINISTRATION’S EMPLOYEES AND OFFICERS ON THE 20TH ANNIVERSARY OF TSA’S ESTABLISHMENT

HON. BENNIE G. THOMPSON
OF MISSISSIPPI
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. THOMPSON of Mississippi, Madam Speaker, I join with the Ranking Member of the House Homeland Security Committee, John Katko, and Transportation and Maritime Security Subcommittee Chairwoman Bonnie Watson Coleman and Ranking Member Carlos Gimenez, to mark tomorrow’s 20th anniversary of the establishment of the Transportation Security Administration.

Following the devastating attacks of September 11, 2001, Federal authorities undertook the massive effort to safeguard and defend our transportation system. In the past two decades, TSA has implemented advanced security technologies, responded to new and ever-changing threats, and protected the lives of billions of passengers from around the country and across the globe. Today, even amid the dangers of the COVID–19 pandemic, Transportation Security Officers, Federal Air Marshals, Transportation Security Inspectors, and other TSA employees continue to serve on the front lines and protect the lives of passengers and the security of cargo traveling by air, sea, road, and rail.

I include in the Record the text of a resolution recognizing the service and sacrifices of TSA’s employees and officers on the 20th anniversary of TSA’s establishment.

RESOLUTION

Recognizing the service and sacrifices of the Transportation Security Administration’s employees and officers on the occasion of the 20th anniversary of the establishment of TSA and the role TSA’s employees and officers play in keeping our Nation secure; and

Whereas November 19, 2021, marks the 20th anniversary of the enactment of the Aviation and Transportation Security Act (Pub. Law 107-71), which amended title 49, United States Code, to establish the Transportation Security Administration (TSA);

Whereas the TSA was established following the September 11, 2001, terrorist attacks, with the mission to secure transportation systems and restore confidence in air travel;

Whereas for 20 years TSA employees and officers have bravely served on the front lines keeping our skies and the traveling public safe, even in the face of targeted attacks such as that which took the life of Officer Gerardo Hernandez;

Whereas the TSA has remained on the front lines at our Nation’s airports throughout the COVID–19 pandemic;

Whereas the TSA has had over 10,000 employees test positive for COVID–19, with 32 TSA employees having lost their lives from March 2020 through October 2021;

Whereas since its establishment, TSA employees and officers have endeavored to improve security domestically and internationally, across all modes of transportation, against a wide range of evolving physical and cyber threats; and

Whereas Americans will continue to look to TSA to be vigilant in the face of known and emerging threats: Now, therefore, be it

Resolved, That the House of Representatives—

(1) recognizes

(A) the service and sacrifices of the TSA’s employees and officers on the occasion of the 20th anniversary of the establishment of TSA; and

(B) the role TSA’s employees and officers play in keeping our Nation secure; and

(2) encourages all Americans to observe TSA’s 20th anniversary with appropriate ceremonies and activities.

HONORING JANICE SIEGEL ON HER RETIREMENT

HON. JERROLD NADLER
OF NEW YORK
IN THE HOUSE OF REPRESENTATIVES
Thursday, November 18, 2021

Mr. NADLER. Madam Speaker, I rise to honor the work and dedication of my longest-serving congressional staff person—Janice Siegel.

Janice worked with me and a small group of people on the brief but intense campaign to fill the vacancy left by Ted Weiss in 1992. She came with me to Washington, D.C., to set up my office and staff for my first term and stayed with my office for 29 years. As my Director of Operations, Janice provided sound advice on complicated budget, ethics, and personnel matters. Her careful, methodical approach to financial matters has served the office well and has saved us tens of thousands of dollars over the years. Janice also managed my D.C. schedule for more than twenty years, made countless train/plane/hotel reservations for me, and tracked every penny of our Members’ Representational Allowance. Perhaps most importantly she made sure we never overspent our MRA, and, therefore, I was never asked to pay for any office expenses from my own pocket. I thank her for that.

Janice also coordinated numerous office moves over her career in the House and worked on everything from the color of the carpet, walls and drapes, to the purchasing of equipment, and movement of phones and computers throughout the House complex. She was well known throughout the House by the many hundreds of people she worked with on all these matters over the years.

Janice not only served my office well, but she was a real asset to the House of Representatives as a whole and helped with numerous House-wide initiatives to make the House operate more efficiently and effectively. Janice founded the Professional Administrative Managers (PAM) organization, and as its leader she organized a number of large meetings which brought staff together with House Administrative officials to discuss the implementation of new policies and procedures related to House operations. In addition, she worked with the Office of the Inspector General to create a “Financial Administrators Curriculum” which is now offered by the Congressional Staff Academy. Her organization included offices from both sides of the aisle and its influence was felt by the leaders of House Administration who frequently sought input and advice from the group. She was in regular contact with the various Chief Administrative Officers (CAO) of the House, the C.F.O., and the Directors of Payroll during her time on the Hill. These relationships gave her access to information and resources that were very helpful to our office.

On another note, Janice has always cared about me personally, about my reputation, and especially about my personal safety. Over the years, Janice made sure the Capitol Police were aware of the threats against me and took additional steps to enhance my safety. She has had my interests in mind as she made spending and ethics decisions and was driven by a strong sense of right and wrong that kept me out of trouble for her entire tenure. As she was fond of saying, her job was to keep me OUT of the news. Meaning, she never wanted there to be a news story that we were not running or making the office ethically or in a financially sound manner.

Finally, Janice is a compassionate, caring person who has a touch for and a real understanding of the importance of nice gestures. She takes the initiative to make suggestions for reaching out to people, especially when they are sick or someone close to them has recently passed away. She is thoughtful and considerate of others when it matters most. I appreciate all she has done over the years to connect with people facing trying times.

I would be remiss if I did not mention Janice’s family and her husband, Frank Mumford. Janice is a wonderful daughter, sister, and wife and mentioned her family often while at work. She cared for her father when he became ill and moved into her home, and helped her sister get the help she needed to get treatment for cancer. Janice and Frank supported each other through tough times and were always there for one another. She is lucky to have Frank by her side.

Janice herself is a breast cancer survivor and she worked in our office all through her own treatment. She faced the diagnosis bravely and unflawed. She has always been a strong supporter of breast cancer research and funding and was always looking for ways for us to get involved and be supportive of the cause.

We know that the loss of her mother to the disease when she was just a child affected her deeply. We imagine her mother would be proud to see her daughter working in Congress, supporting efforts to increase funding for breast cancer research, working for a Member from New York City, and doing so with such distinction and for such a long period of time.

I know I am proud of the work she has done for us and want to sincerely thank her for everything she has done for me.

We will miss Janice. We wish her all the best in her retirement.
**Daily Digest**

**Senate**

**Chamber Action**

**Routine Proceedings**, pages S8407–S8541

**Measures Introduced:** Thirty-seven bills and four resolutions were introduced, as follows: S. 3231–3267, S.J. Res. 31, and S. Res. 456–458.

**Measures Considered:**

**National Defense Authorization Act—Agreement:** Senate continued consideration of the motion to proceed to consideration of H.R. 4350, to authorize appropriations for fiscal year 2022 for military activities of the Department of Defense, for military construction, and for defense activities of the Department of Energy, to prescribe military personnel strengths for such fiscal year. Pages S8407–30, S8430–36

A unanimous-consent agreement was reached providing for further consideration of the motion to proceed to consideration of the bill, post-cloture, at approximately 10 a.m., on Friday, November 19, 2021; and that all time during adjournment, morning business, recess, and Leader time count post-cloture. Pages S8446–48

**Message from the President:** Senate received the following message from the President of the United States:

Transmitting, pursuant to law, a report on the issuance of an Executive Order that terminates the national emergency declared in Executive Order 13712 of November 22, 2015, with respect to Burundi, and revokes that Executive Order; which was referred to the Committee on Banking, Housing, and Urban Affairs. (PM–18) Pages S8445–46

**Nominations Confirmed:** Senate confirmed the following nominations:

Julianne Smith, of Michigan, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization, with the rank and status of Ambassador. Page S8430

Charles F. Sams III, of Oregon, to be Director of the National Park Service. Page S8436

Lee Satterfield, of South Carolina, to be an Assistant Secretary of State (Educational and Cultural Affairs).

Jeffrey M. Hovenier, of Washington, to be Ambassador to the Republic of Kosovo. Page S8540

**Nominations Received:** Senate received the following nominations:

Andre B. Mathis, of Tennessee, to be United States Circuit Judge for the Sixth Circuit.

Alison J. Nathan, of New York, to be United States Circuit Judge for the Second Circuit.

**Messages from the House:**

**Measures Referred:**

**Executive Communications:**

**Executive Reports of Committees:**

**Notice of a Tie Vote Under S. Res. 27:**

**Additional Cosponsors:**

**Statements on Introduced Bills/Resolutions:**

**Amendments Submitted:**

**Authorities for Committees to Meet:**

**Privileges of the Floor:**

**Adjournment:** Senate convened at 10 a.m. and adjourned at 10:14 p.m., until 10 a.m. on Friday, November 19, 2021. (For Senate’s program, see the remarks of the Majority Leader in today’s Record on pages S8540–41.)

**Committee Meetings**

(Committees not listed did not meet)

**NOMINATION**

**Committee on Banking, Housing, and Urban Affairs:** Committee concluded a hearing to examine the nomination of Saule T. Omarova, of New York, to be Comptroller of the Currency, after the nominee testified and answered questions in her own behalf.
BUSINESS MEETING

Committee on Energy and Natural Resources: Committee ordered favorably reported the following business items:

S. 172 and H.R. 1664, bills to authorize the National Medal of Honor Museum Foundation to establish a commemorative work in the District of Columbia and its environs;

S. 180, to withdraw certain Bureau of Land Management land from mineral development;

S. 270, to amend the Act entitled “Act to provide for the establishment of the Brown v. Board of Education National Historic Site in the State of Kansas” to provide for inclusion of additional related sites in the National Park System, with an amendment;

S. 491, to amend the Wild and Scenic Rivers Act to designate certain river segments in the York River watershed in the State of Maine as components of the National Wild and Scenic Rivers System;

S. 535, to authorize the location of a memorial on the National Mall to commemorate and honor the members of the Armed Forces that served on active duty in support of the Global War on Terrorism, with an amendment;

H.R. 297, to require the Secretary of Agriculture to conduct a study on the establishment of, and the potential land that could be included in, a unit of the National Forest System in the State of Hawaii;

S. 569, to direct the Secretary of Agriculture to transfer certain National Forest System land to the State of South Dakota, with an amendment;

S. 609, to withdraw the National Forest System land in the Ruby Mountains subdistrict of the Humboldt-Toiyabe National Forest and the National Wildlife Refuge System land in Ruby Lake National Wildlife Refuge, Elko and White Pine Counties, Nevada, from operation under the mineral leasing laws;

S. 753, to reauthorize the Highlands Conservation Act, to authorize States to use funds from that Act for administrative purposes, with an amendment;

S. 904, to require the Secretary of the Interior, the Secretary of Agriculture, and the Assistant Secretary of the Army for Civil Works to digitize and make publicly available geographic information system mapping data relating to public access to Federal land and waters for outdoor recreation, with an amendment in the nature of a substitute;

S. 1317, to modify the boundary of the Sunset Crater Volcano National Monument in the State of Arizona;

S. 1320, to establish the Chiricahua National Park in the State of Arizona as a unit of the National Park System, with an amendment in the nature of a substitute;

S. 1354, to amend the National Trails System Act to designate the Chilkoot National Historic Trail and to provide for a study of the Alaska Long Trail, with amendments;

S. 1583, to reauthorize the Lake Tahoe Restoration Act;

S. 1589, to designate certain land administered by the Bureau of Land Management and the Forest Service in the State of Oregon as wilderness and national recreation areas, to withdraw certain land located in Curry County and Josephine County, Oregon, from all forms of entry, appropriation, or disposal under the public land laws, location, entry, and patent under the mining laws, and operation under the mineral leasing and geothermal leasing laws;

S. 1620, to direct the Secretary of the Interior to convey to the city of Eunice, Louisiana, certain Federal land in the State of Louisiana;

S. 1964, to amend the Omnibus Parks and Public Lands Management Act of 1996 to provide for the establishment of a Ski Area Fee Retention Account, with an amendment in the nature of a substitute;

S. 2158, to extend the authorization for the Cape Cod National Seashore Advisory Commission, with an amendment;

S. 2433, to require the Secretary of the Interior to develop and maintain a cadastre of Federal real property, with an amendment in the nature of a substitute;

S. 2490, to establish the Blackwell School National Historic Site in Marfa, Texas;

S. 2524, to amend the Alaska Native Claims Settlement Act to exclude certain payments to aged, blind, or disabled Alaska Natives or descendants of Alaska Natives from being used to determine eligibility or certain programs;

H.R. 1192, to impose requirements on the payment of compensation to professional persons employed in voluntary cases commenced under title III of the Puerto Rico Oversight Management and Economic Stability Act (commonly known as “PROMESA”), with an amendment in the nature of a substitute;

H.R. 2497, to establish the Amache National Historic Site in the State of Colorado as a Unit of the National Park System, with amendments;

An original bill to reauthorize funding for certain National Heritage Areas; and

The nomination of Sara C. Bronin, of Connecticut, to be Chairman of the Advisory Council on Historic Preservation.

VACCINE DIPLOMACY

Committee on Foreign Relations: Subcommittee on Western Hemisphere, Transnational Crime, Civilian Security, Democracy, Human Rights, and Global
Women's Issues concluded a hearing to examine vaccine diplomacy in Latin America and the Caribbean, focusing on the importance of United States engagement, after receiving testimony from Kevin O'Reilly, Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs; Peter Natiello, Acting Assistant Administrator for Latin America and the Caribbean, United States Agency for International Development; Arachu Castro, Tulane University School of Public Health and Tropical Medicine, New Orleans, Louisiana; and Daniel A. Restrepo, Center for American Progress, and Daniel F. Runde, Center for Strategic and International Studies, both of Washington, D.C.

NOMINATIONS

Committee on Homeland Security and Governmental Affairs: Committee concluded a hearing to examine the nominations of Erik Adrian Hooks, of North Carolina, to be Deputy Administrator, Federal Emergency Management Agency, Department of Homeland Security; Michael Kubayanda, of Ohio, to be a Commissioner of the Postal Regulatory Commission, Laurel A. Blatchford, of the District of Columbia, to be Controller, Office of Federal Financial Management, Office of Management and Budget, and Ebony M. Scott, and Donald Walker Tunnage, both to be an Associate Judge of the Superior Court of the District of Columbia, who were introduced by Representative Holmes Norton, after the nominees testified and answered questions in their own behalf.

BUSINESS MEETING

Committee on the Judiciary: Committee ordered favorably reported the following business items:

- S. 2629, to establish cybercrime reporting mechanisms; and
- The nominations Cindy K. Chung, to be United States Attorney for the Western District of Pennsylvania, and Gary M. Restaino, to be United States Attorney for the District of Arizona, both of the Department of Justice.

DISASTER MANAGEMENT

Special Committee on Aging: Committee concluded a hearing to examine inclusive disaster management, focusing on improving preparedness, response, and recovery, after receiving testimony from Danielle Koerner, Delaware County Department of Emergency Services, Rutledge, Pennsylvania; Sue Anne Bell, University of Michigan Institute for Healthcare Policy and Innovation and School of Nursing, Ann Arbor; Wanda Raby Spurlock, Southern University and A&M College, Baton Rouge, Louisiana; and Randy Creamer, South Carolina Voluntary Organizations Active in Disaster, Columbia.

House of Representatives

Chamber Action

Public Bills and Resolutions Introduced: 42 public bills, H.R. 6014–6055; and 17 resolutions, H.J. Res. 66; H. Con. Res. 62; and H. Res. 804–818, were introduced.

Additional Cosponsors:

Report Filed: A report was filed today as follows: H. Res. 803, providing for further consideration of the bill (H.R. 5376) to provide for reconciliation pursuant to title II of S. Con. Res. 14 (H. Rept. 117–175).

Speaker: Read a letter from the Speaker wherein she appointed Representative Clark (MA) to act as Speaker pro tempore for today.

Build Back Better Act: The House considered H.R. 5376, to provide for reconciliation pursuant to title II of S. Con. Res. 14. Consideration is expected to resume tomorrow, November 19th.

Pursuant to House Resolution 803, the further amendment printed in House Report 117–175 is considered as adopted.

Pursuant to House Resolution 774, an amendment in the nature of a substitute consisting of the text of Rules Committee Print 117–18, modified by Rules Committee Print 117–19, shall be considered as adopted.

H. Res. 803, the rule providing for further consideration of the bill (H.R. 5376) was agreed to by a yea-and-nay vote of 220 yea to 211 nays, Roll No. 383, after the previous question was ordered by a yea-and-nay vote of 220 yea to 210 nays, Roll No. 382.

H. Res. 774, the rule providing for consideration of the bill (H.R. 5376) was agreed to Saturday, November 6th.

Suspensions—Proceedings Resumed: The House agreed to suspend the rules and pass the following measures. Consideration began Tuesday, November 16th.
Amending title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States: H.R. 3730, amended, to amend title 38, United States Code, to establish in the Department of Veterans Affairs an Advisory Committee on United States Outlying Areas and Freely Associated States, by a 2/3 yea-and-nay vote of 420 yeas to 4 nays, Roll No. 380; and

TSA Reaching Across Nationalities, Societies, and Languages to Advance Traveler Education Act: H.R. 5574, amended, to require the TSA to develop a plan to ensure that TSA material disseminated in major airports can be better understood by more people accessing such airports, by a 2/3 yea-and-nay vote of 369 yeas to 49 nays, Roll No. 381.

Recess: The House recessed at 1:33 p.m. and reconvened at 6 p.m.

Presidential Message: Read a message from the President wherein he notified Congress that the national emergency with respect to Burundi that was declared in Executive Order 13712 of November 22, 2015 is to be terminated—referred to the Committee on Foreign Affairs and ordered to be printed (H. Doc. 117–76).

Senate Message: Message received from the Senate by the Clerk and subsequently presented to the House today appears on page H6375.

Quorum Calls—Votes: Four yea-and-nay votes developed during the proceedings of today and appear on pages H6596 and H6597–98.

Adjournment: The House met at 10 a.m. and adjourned at 5:11 a.m.

Committee Meetings

PERSONNEL IS POLICY: UN ELECTIONS AND US LEADERSHIP IN INTERNATIONAL ORGANIZATIONS

Committee on Foreign Affairs: Subcommittee on International Development, International Organizations and Global Corporate Social Impact held a hearing entitled “Personnel is Policy: UN Elections and US Leadership in International Organizations”. Testimony was heard from Erica Barks-Ruggles, Senior Bureau Official, Bureau of International Organization Affairs, Department of State.

BUILD BACK BETTER ACT

Committee on Rules: Full Committee held a hearing on H.R. 5376, the “Build Back Better Act”. The Committee granted, by record vote of 9–3, a rule providing for further consideration of H.R. 5376, the “Build Back Better Act”. The rule provides that the further amendment printed in the Rules Committee Report shall be considered as adopted.

MODERNIZING VA'S MEDICAL SUPPLY CHAIN: PROGRESS MADE?

Committee on Veterans' Affairs: Subcommittee on Oversight and Investigations; and Subcommittee on Technology Modernization held a joint hearing entitled “Modernizing VA’s Medical Supply Chain: Progress Made?”. Testimony was heard from Michael D. Parrish, Principal Executive Director, Office of Acquisition, Logistics, and Construction, Department of Veterans Affairs; Shelby Oakley, Director of Contracting and National Security Acquisitions, Government Accountability Office; and Leigh Ann Searight, Deputy Assistant Inspector General, Office of Inspector General, Department of Veterans Affairs.

TRIBAL VOICES, TRIBAL WISDOM: STRATEGIES FOR THE CLIMATE CRISIS

Select Committee on the Climate Crisis: Full Committee held a hearing entitled “Tribal Voices, Tribal Wisdom: Strategies for the Climate Crisis”. Testimony was heard from public witnesses.

Joint Meetings

CONFRONTING THE KREMLIN AND COMMunist corruption

Commission on Security and Cooperation in Europe: Commission concluded a hearing to examine confronting the Kremlin and Communist corruption, after receiving testimony from Representatives Malinowski and Salazar; Leonid Volkov, Chief of Staff to Alexei Navalny, Vilnius, Lithuania; and Elaine K. Dezenski, Foundation for Defense of Democracies, and Scott Greytak, Transparency International U.S. Office, both of Washington, D.C.

NEW PUBLIC LAWS

(For last listing of Public Laws, see DAILY DIGEST, p. D1258)

S. 921, to amend title 18, United States Code, to further protect officers and employees of the United States. Signed on November 18, 2021. (Public Law 117–59)

S. 1502, to make Federal law enforcement officer peer support communications confidential. Signed on November 18, 2021. (Public Law 117–60)

S. 1511, to amend the Omnibus Crime Control and Safe Streets Act of 1968 with respect to payments to certain public safety officers who have become permanently and totally disabled as a result of personal injuries sustained in the line of duty.
COMMITTEE MEETINGS FOR FRIDAY, NOVEMBER 19, 2021

(Committee meetings are open unless otherwise indicated)

Senate
No meetings/hearings scheduled.

House
No hearings are scheduled.
Next Meeting of the SENATE
10 a.m., Friday, November 19

Senate Chamber
Program for Friday: Senate will continue consideration of the motion to proceed to consideration of H.R. 4350, National Defense Authorization Act, post-cloture.

Next Meeting of the HOUSE OF REPRESENTATIVES
8 a.m., Friday, November 19

House Chamber
Program for Friday: Complete consideration of H.R. 5376—Build Back Better Act.

Extensions of Remarks, as inserted in this issue

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